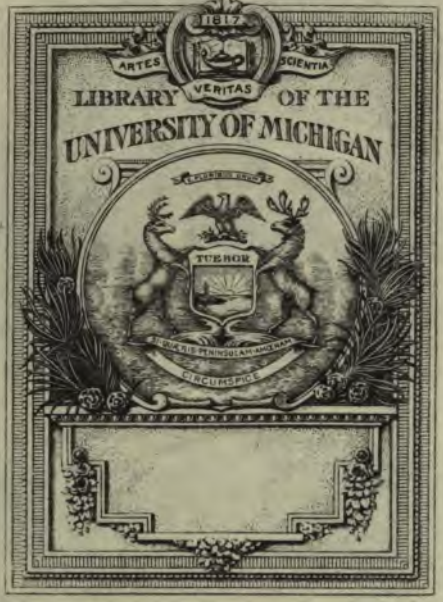

Seal of the United States

Designed by the Committee appointed by the Continental Congress, July 4, 1776, consisting of Benjamin Franklin, John Adams and Thomas Jefferson. The seal is colored as required by Act of Congress of June 20, 1782.

THE GOVERNMENT OF THE NATION.

A

COURSE

IN

CIVIL GOVERNMENT,

BASED ON

"THE GOVERNMENT OF THE PEOPLE OF THE UNITED STATES."

BY

FRANCIS NEWTON THORPE,

PROFESSOR OF CONSTITUTIONAL HISTORY, UNIVERSITY OF PENNSYLVANIA.

REVISED EDITION.

PHILADELPHIA

ELDREDGE & BROTHER

No. 17 North Seventh Street

1900

WESTCOTT & THOMSON,
ELECTROTYPERS, PHILADA.

ALL that is sacred in life is inseparably bound up with government. Its nature is complex; it implies rights and duties; it involves human lives and activities; its organization is required of the whole people; its administration is committed to their representatives.

The story of the Government of the people of the United States has its beginning far away across the sea, and the story of political rights in England has its sequel in the story of political rights in America. Nor have these rights been accidental acquisitions: they are the fruits of American experience, growing out of the instincts, the character and the attainments of the Anglo-Saxon race.

In this work the Government is presented in its historical, its legal, its political and its economic relations. Movements in population, immigration, education, habits of thought among the people of various parts of the country, inventions, discoveries, religion and public morality, have been considered as factors equally potent with formal constitutions and the enactments of legislative bodies in determining the character of our Government.

The chapter on "The Four Groups of Rights" is a departure in works of this kind, but it is believed that the time has come when the methods of political study pur-

sued in the leading schools of history and political science may be pursued in all other schools in the United States.

Nothing in government is meaningless; we live amidst an intense political life. As the face on the postage-stamp signifies an executive power delegated by the people, so upon examination will many common civil phenomena illustrate profound principles in popular government. It is more desirable to understand the principles underlying civil life, and their development and application in government, than to memorize discordant political facts. The study of civics has a deeper significance than the mere study of laws and law-makers, of offices and officers. These, it is true, are important, but they are of secondary importance, for they are merely the mediums and instruments in carrying on the work of government. The proper study of civics should inspire a spirit of obedience to the laws, and of respect for those in authority in the home, in school, in local government, in the State and in the Nation. It should inspire a spirit of patriotism, and tend to a better and purer citizenship, to a better and purer government.

It is the earnest hope of the writer that this book may help those who read it to understand more perfectly the rights and the duties of American citizenship.

FRANCIS NEWTON THORPE.

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Philadelphia, Pa.

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ognizes and protects life and property and the comfort of man. The patriarch has more cares than the chieftain. It is a principle of government that *as the interests of men increase and as they secure wealth by their own labor, government becomes more complex*, or, as we are accustomed to say, has more departments; for a primary purpose of government is to secure to individuals and to nations their rights.

11. Importance of Rights.—A right is the most important possession a person can have. Human rights are the realities which government is instituted to protect. The word "right" has more meaning than any other word used in governmental affairs, and we shall constantly have occasion to investigate its signification. When we understand what rights exist in a country, we know exactly what is the government of the people of that country.

12. Effect of the Recognition of Rights.—The immediate effect of the recognition of rights is the exercise of government to protect them. A denial of a right is a wrong, and the suspension of a right, if not justifiable, is a crime.

13. Husbandmen.—The peoples who cultivate the soil outnumber all others. They live in fixed homes; they divide the land and mark its boundaries with care. To remove a landmark confuses many interests and endangers rights, and is a crime; for the tiller of the ground is obliged to feed and clothe himself and his family by his own labor on a definite piece of ground, and if the boundaries are disturbed unlawfully the living of the family is in danger.

14. Crimes.—Among the herdsmen the stealing of cattle is a crime, because the living of the family is thereby endangered. The tiller of the ground must be protected from similar injury, and his wealth is a definite area of ground. Land-laws thus become more definite among those who practice agriculture; many customs and laws

peculiar to an agricultural people would not arise among herdsmen. Each state of society has its legal system that is founded upon its own character. Different civil institutions, becoming different systems of government, thus spring up in the world.

15. Superior Knowledge required in Agriculture.—The farmer is obliged to understand the nature of crops, soils, culture and harvesting. He requires many tools for which the savage or the herdsman could have no use. He must understand the laws of nature so as to be able to supply his wants. His language reflects his mind and expresses many interests. His interests are four-fold: those pertaining to his labor; those pertaining to the control of his fellows; those relating to his conduct toward men; and those relating to the God whom he worships.

16. Manufacturers.—A fourth group of people are engaged in making objects of desire, and thus they are closely related to the herdsmen and to the tillers of the soil. Labor creates rights and transforms raw material, such as the skins and the wool produced by the herdsmen and the agricultural products of the husbandmen, into articles adapted to many human uses. The making of objects requires a large amount of knowledge in the maker. He has many ideas, and his language contains many words unknown to the savage or the herdsman. With increased knowledge comes the division of labor and the recognition of industrial rights. New industries are created, old industries are improved. Simple tools are displaced by complicated machinery that never wearies and that rapidly transforms raw material into finished articles. In every step of this process rights are concerned. The forms of wealth multiply, so that they can scarcely be counted. The manufacturer depends upon the productions of farming and of herding for material used in his labor. His rights are therefore closely connected with the rights of other men. He must build

machines, erect suitable buildings, provide material, employ craftsmen, manage industrial enterprises, understand industrial conditions, satisfy the desires of men for material wealth created by human labor, and exercise freely all his rights, in order that the desires of men may be satisfied.

17. Laws and Customs pertaining to Industry.—A manufacturing community develops habits or customs that are proven by experience to be favorable to industry. The government that protects the rights of manufacturers, and of all those associated with them in the making of objects, must recognize these customs and enact suitable laws.

18. Civilized Peoples have a Variety of Interests.—In a civilized country the interests of the herdsman, of the tiller of the soil and of the manufacturer may be found in a single community and even in a single person. The farmer tills his ground and at the same time keeps cattle and sheep. Near by is the town in which the manufacturer maintains his factory and all its interests. A community has at the same time the interests of the three classes of people. Rights thus may imply the interests of the husbandman, of the herdsman and of the manufacturer. Every department of life is affected by the recognition or the suppression of these rights.

19. Effect Seen in Society.—As ideas increase among men, language increases, until there may be, as in our own tongue, more than one hundred thousand words. Every right creates a custom, and the custom may become a law. A custom is only a way of doing, and a law is a rule of action prescribed by a supreme power, declaring how, when, where and by whom a thing shall or shall not be done.

20. Commerce.—With the increase of the wealth of individuals and of nations, and with the recognition of rights among them, exists a commerce both in ideas and

in things. Articles are produced, exchanged, transported and consumed. The star-clusters that seemed like sheep and oxen and lions to the shepherds become the lighthouses of the sky, and guide ships laden with precious cargoes from port to port and from continent to continent. Men become more closely associated; they supply each other's wants. Their interests become complex, and sometimes it is impossible to separate them. The herdsman, the farmer, the merchant, the railroad, the steamship, the miner, the manufacturer, the workingman,—all and each represent a mass of interests and a body of rights. To further these interests and to secure these rights governments are instituted among men; customs grow into laws, and laws and customs grow into that supreme law or chief custom of all—*Government.*

21. Importance of Government.—We see plainly, then, that the meaning of government is exceedingly large, because it concerns itself with every human interest. We see that customs and laws and language and government are closely connected with the occupations of the people. The occupations affect the government, and the government affects the occupations.

22. Different Forms of Government.—Different forms of government exist, because the ideas of men differ as to the best manner of managing their own interests. People who have many wants and who are able to satisfy them by intelligent labor are civilized—*i. e.* they have become citizens. The word "citizen" is companion to the word "right," and like it has a profound meaning. So important is the signification of the word "citizen" that individuals and nations, in order to obtain the realization of the full rights of the citizen, have made costly sacrifices. The rights of the citizen are made precious to us by the lofty sacrifices of human life in order that men and women and children may have their inborn rights freely, fully and at all times.

A THEOCRACY is a government in which the rulers are priests who claim to be under the immediate direction of God. The government of the ancient Jews was a theocracy.

A MONARCHY is a government in which the supreme power resides in a single person, usually called a king. If his power is limited by laws, the government is a limited monarchy; if all power proceeds from him, the government is an absolute monarchy. Modern kingdoms are limited monarchies, except Russia and Turkey, which are absolute monarchies.

AN ARISTOCRACY is a government controlled by a few men distinguished for rank, wisdom and wealth. Venice was an aristocracy during the Middle Ages.

A DEMOCRACY is a government by the people in person. Rhode Island was a democracy for a brief time.

A REPUBLIC is a representative democracy. Our States and the United States have a republican form of government.

23. Sanctity of Government.—The interests of a people are so closely blended with their government that government becomes the supreme interest of the people; its character is sacred, because its preservation concerns the lives and the property of all who compose the nation. Therefore the attempt to overthrow the prevailing government is a crime against the nation. This crime is called *treason*, and is punishable with death.

Sometimes a government is successfully overturned and remodelled with the consent of the people who compose it. A successful change in the government amounts to a revolution, such as occurred in this country in 1776. But all thoughtful men agree that governments long established are not to be overturned for light and passing reasons, else all stability in human affairs would disappear and fickle-minded people would cause perpetual confusion in the world by the constant change in governments. The

people have the right to alter or amend their own government in a peaceful way, as was done in this country in 1789.

24. The True Basis of Government.—When we look a little closer for the foundation of government, we discover that it exists in the nature of men themselves. The rights of persons give occasion for government. Individuals have by nature desires, wills, ideas, and character, and upon these, government is founded. The natural rights of men, women and children as citizens are called civil rights. Some citizens have other rights which are called political rights. The right to personal security is a civil right, and is common to all citizens; the right to vote is a political right, and is possessed by qualified persons called electors. The true basis of government is persons, not things.

CHAPTER II.

THE FOUR GROUPS OF RIGHTS.

25. Men Differ concerning Rights.—We might think that every man could guard his own rights, and that in this way the rights of all would be protected. But men differ among themselves in their opinions about their rights: this difference of opinion is natural to men, and must always be taken into account in human affairs. Government is based upon men as they are; it is a formidable reality. If only a few men lived in the world, in a simple way of life, isolated from each other, they might possibly be able to protect their own interests, but they could not realize their own rights. Men cannot live in isolation; association is necessary, and this necessity gives rise to human society.

26. Rights of Society.—The word "society" is also an important word. Individuals have rights as individuals; they also have rights to and in association, called the rights of society. The relation of the individual to society is that of the part of a living organism to the whole of the organism. An individual is a part of society. The political rights of an individual are largely fixed by his relations to society.

27. Rights and Duties Related.—Every right, whether of the individual or of society, implies a duty. Every duty implies a right. A duty is the exercise of a right. The words right, citizen, society, and duty are of intense interest to civilized people; they stand for ideas and principles of primary importance to human beings.

The rights of individuals and of society give rise to that kind of knowledge called political. The word "political" originally meant *urban*, or pertaining to the city, because people are closely associated in a city and are compelled to recognize their own rights and those of others. Cities have served a peculiar office in discovering the rights of men, and many of the cities of England maintained the rights of the citizens when these rights were lost in the rural districts. Cities have preserved human liberties.

The duties of individuals and of society give rise to that knowledge which we call *moral.* The word "moral" implies the idea of conduct or custom of doing, judged by the standard of human welfare and of Divine law. A man is a political being because he has rights; he is a moral being because he has duties.

28. Individuals and Society.—Government protects a person in his rights and requires him to perform his duties. The character of society is the character of the individuals who compose it. Bad men make bad society. Government must therefore address itself directly to individuals, must have power over them, and must depend upon them for its authority and for its character. Each of us is individually a part of the government, and we should know our rights and perform our duties. The neglect to do so endangers the government and wrongs us individually. The rights now so common among us are ours only after the greatest struggles that the world has seen.

29. Natural Rights.—We do not inherit rights; they are inherent; God creates them in every person. There have been governments in the world for ages, but the truth that all men are born with equal rights has been accepted less than a hundred years. To understand and to live this truth is the privilege of the world to-day. We of the United States have this privilege by the law of the land. But because we have more rights than any other nation, we have more duties. American citizens have rights and

duties unknown to the people of Europe. Yet many institutions common among us began long ago in Europe.

30. Foreigners become Citizens.—Several hundred thousand Europeans come to the United States every year for permanent homes. They are chiefly from England, Ireland, Italy, Germany and Scandinavia. They have caused those sections of the United States where they are most thickly settled to take on a character peculiar to themselves; some parts of the United States are Germanic, some are Scandinavian, some are Italian, in many of their prevailing customs. The African race has been in this country since 1619. Africans and Europeans and some Asiatics are made welcome by our government, and by conforming to the laws they have become American citizens. They learn the rights and the duties of American citizenship by actual practice. Serious social problems constantly arise; but the experience of the past encourages us to believe that we shall be able to solve these problems by earnestly grappling with them in the recognition of our rights and the performance of our duties.

The Four Groups of Rights.

31. Industrial Rights.—The citizen has the right and the duty to support himself and those dependent upon him by honorable labor: such rights and duties are called Industrial. These are many and of first importance. Within this group fall all the rights of laborers, operatives and of makers of things of every description. Industrial rights and duties affect the business, the material interests of the household, and the productive interests of the country—the farms, manufacturing plants, the wages of men, women and children, the hours of labor, the means of transportation, such as railroads, canals, steamship lines, express companies and common carriers. Industrial rights and duties also extend to society at large. America has vast industrial relations with other countries; we use arti-

cles produced in foreign lands, and they use articles made by us. Our industrial interests comprise a large portion of our wealth, and government guards them with extreme care.

32. Political Rights.—The citizen has also opinions as to what he himself and society should do and what ideas should be supreme in the state. These ideas of control or government are called political ideas. His political ideas are his own property, and he has the right to express them and to carry them into effect with the aid of his fellow-citizens, provided that neither he nor they do or suffer wrong. His right is to do unto others as he would have them do unto him. Men are always trying to enforce their ideas upon others—*i. e.* to govern them. In this second group of rights and duties are all those rights of opinion concerning government, such as, what kind of government is best; how government should be administered; who should exercise authority; where that authority should be located. Political rights and duties affect all our opinions about human laws, the nature of public offices and the character of public officers. Political rights and duties are concerned when public servants are chosen, such as school-directors and assessors, tax-collectors and judges, governors and senators, members of Congress or the President of the United States. Political rights and duties are concerned in such ordinary and important matters as the carrying of the mails; the material, the quality, the quantity and the denominations of our money; the fixing of county, State and national boundaries; the support of an army and of a navy; and they are concerned also in such seemingly trivial matters as the shape, color and value of a postage-stamp and the selection of the man's face upon it. These rights and duties are of such importance that men organize powerful political parties to maintain their opinions, give their energies, time and money for the support of these opinions, and seek peaceful solution of gov-

ernmental problems by elections, or compel the solution of them by wars and treaties. The political rights and duties of individuals have assumed so much importance in this country that they are often said to be the supreme interests of the citizen. But they are only one of a group of rights of equal interest with other rights.

33. Social Rights.—An American citizen is also part of society; he has social rights and duties. These are of a comprehensive character, because they affect the nation as a whole. Social rights and duties are concerned in the establishment of all kinds of schools for the benefit of the public; for the reformation of criminals; in the maintenance of asylums for the aid of the afflicted, such as the blind and the insane. Society is interested in the preservation of health and public comfort, public order, good roads and bridges, clean and passable streets, safe public and private buildings, the lighting of public places, the removal of all substances that may poison the air we breathe or the water we drink. These rights and duties are liable to be neglected, although they are commonly admitted to be of vast importance. The welfare of society is often of greater moment than the comfort of an individual. When the interests of the individual and of society conflict, the individual must yield to society if society insists upon the yielding. This right of society is called the right of eminent domain.

THE RIGHT OF EMINENT DOMAIN is a sovereign right exercised by a government or by a corporation, by which individual interests are compelled to yield to the interests of society, of the corporation or of the government.

A CORPORATION is a body of persons authorized by law to act or do business as a single individual. A railroad company, a manufacturing company, a bank, a chartered city, are illustrations of corporations.

34. Moral and Religious Rights.—The citizen has also moral and religious rights: he is a child of God and lives in

relations with him. Man naturally worships some being superior to himself. We have rights of conscience and we have moral duties. These we are permitted to exercise freely so far as they do not break the peace of the State. These rights and duties are concerned in the maintenance of religion; the proper regard for the Sabbath; the reverence for sacred things and ideas; the support of public worship; the bettering of the world; the conscientious attention to the duties of life. For many centuries men struggled to realize the right to worship God according to the dictates of conscience: that right has been and is fully realized in this country. Closely related to these rights and duties are those of a moral character which are implied in the word "ought." All good government is moral in its character.

35. Rights often Mingle.—A right may at the same time be industrial, political, social or moral. We cannot always separate a right from its companions. Government is concerned to protect them all. A school illustrates them all: it is a place of industry; here we learn to govern and to be governed; it is a society, and has rights and duties as such; all schools are subject to moral rights and duties.

36. The Four Groups of Rights and Government.—All of our rights and duties are natural to us as human beings; government is based upon them, is protected by them, and in turn protects them. They all unite in the citizen. The government of a people is understood when its industrial, political, social and moral rights are understood. The sovereignty of an opinion and its expression in a form of government or in the election of a body of public servants represents all these rights; hence we have come to speak of our political rights as representative of all our rights and as of supreme importance.

CHAPTER III.

THE STORY OF POLITICAL RIGHTS IN ENGLAND.

37. Our German Ancestors.—About two thousand years ago the Roman Empire comprised the civilized world. It was busy conquering the barbarous nations, and sent its legions and its greatest soldier, Julius Cæsar, into Northern and Western Europe to conquer the strange peoples who then lived in Germany and Gaul (France). For nearly four hundred years the struggle continued, but the brave Germans were never conquered by Rome. On the contrary, the Germans in great numbers left their own wild country, and their armies marched into Italy and seized Rome. About 500 A. D. the different nations of Europe, as they are now located on the map, made a beginning. The Germans also moved westward into the lands now called Denmark, Schleswig and England. They were so strong as largely to fix the customs, the laws and the language of Northern Europe to the present day. From Germany to England and from England to America has been the journey of political rights. These rights and duties were not formerly so plainly understood as at the present time, for the knowledge of rights increases as men learn them by experience.

38. Constitutions.—Nations like individuals learn by experience, and they express their knowledge of rights and duties in important writings which we call "constitutions." If you examine a written constitution, you observe that it is an instrument expressed in a formal way, and is divided into articles and sections. But written constitutions are not very old; the people of America were the

first people in the history of the world who formally set down their civil institutions in a written constitution. Since our ancestors began to form constitutions, two centuries ago, most civilized nations have learned to form them, so that it may be said that America has taught the world how to frame a written constitution. It is interesting to know how our ancestors in this country acquired the habit of expressing their ideas on political rights and duties in a constitution. The story is as follows:

39. Origin of the Town and of the Township.—The Germans, whom the Roman legions could not conquer, were a brave, warlike and virtuous race. Every warrior was a freeman. He and his kindred lived together in a cluster of houses, each having a door-yard and a garden. Around this settlement of one kindred a hedge or ditch or rude, strong fence was made. The hedge was called a *tûn;* it might enclose a farm or a hamlet. He who lived within the *tûn* was called a *tûnes-man*, as the dweller within the boundaries of the settlement is still called by us. The house of the *tûnes-man* was called *bûr*, or *burgh*, a dwelling, from which we get our words *borough* and *burgess*, and the last syllable of the names of some towns, as Pitts*burgh*, Edin*burgh*. The Northman called his strong house *gardr* or *garth*, whence our words *garden* and *yard*.

40. Freemen as Landholders.—The freeman owned land and was the head of a family. The unit of measure in rights and duties is the family; this unit is found among savages, herdsmen, tillers of the soil and manufacturing peoples. The family is a sacred institution and as ancient as the race itself. All the lands controlled by the townsmen were comprised within the *tûnscipe*, or township, and to this day the township remains the unit of measure for our political divisions. When we say "town" or "township," we use a name that has been used continuously for more than two thousand years for the same object. But government becomes more complex as men

become more civilized. The townsman of to-day has many more political rights and duties than had the German *times-man* of long ago.

41. The Parish.—When Christian missionaries came among the Germans a new word came also—the word *parish*. The parish marked the boundary assigned by the Church to the priest for the performance of duties. The parish was usually of equal extent with the township. The word itself meant the *church-home*, for all the people of a parish had the same church home. The two words, township and parish, continued to describe the same area of land, and were brought from England to America as expressive of two harmonious ideas. The ideas of men changed and the words fell far apart as Church and State were separated, but in the southern part of the United States the term parish continues to mean what the term township signifies in the North—a civil division of the State.

42. The Hundred. The German townsmen often assembled together in political meetings, called *gemoten*, for the purpose of electing town officers. At these meetings laws were made, and our word "by-law" is said to mean the law made by the township, or, as it was once called in Northern England, the "by." The townships united for the convenience of administering justice comprised the *hundred*. The court of the hundred decided disputes. Jury trials were introduced by the slow growth of custom. The court of the hundred was the lowest court, and it so continues in Germany, England and the United States to this day. In some of our States even the word hundred remains, as in Delaware; the court of the hundred we commonly call the *justice's court*.

43. The Shire. Several hundreds comprised a *shire*, which meant a *share* or part of the whole country. The word is still common in England. In New England the [illegible] is often used in conversation, but the subdivisions of

the States in this country are commonly called counties, a name that was introduced into England by the Normans, and which then designated a military division of the realm. The shire had also courts and officers, the prototypes of our county courts and officers.

44. The Shire-reeve.—The principal officer of the shire then, as now, was the *shire-reeve* or *sheriff*, signifying then the representative of the king's authority, and with us the representative of the majesty of law and the authority of the people. The county court was held for the trial of cases more important than those tried in the court of the hundred or of the township. It is so at the present time, and now, as then, the person who is summoned to attend court is under the special protection of the law.

45. Our Civil Institutions very Old.—We see, then, that our civil institutions are very old, but the oldest are our local institutions, those that are right about us and which seem to thoughtless persons so commonplace. These local institutions lie at the foundation of our government and of the constitutional governments of Europe. Although the United States is a new country, its civil institutions are as ancient as those of England or Germany.

46. German Conquest of Britain.—About the middle of the fifth century the German tribes began to land in England. They soon made the country their own, and introduced German ideas and forms of local government. Two tribes took the lead: the Angles or *Inglisc*, who gave their name to the language, and the Saxons, who gave their name to the civil institutions. Our institutions are not strictly Anglo-Saxon, for the Americans have discovered many rights and duties for themselves such as never have existed in Europe.

47. Civil Institutions Subject to Laws.—Political rights and duties are not discovered by accident or experiment; they are controlled by laws. These laws are based upon the nature of man. From time to time discoveries

are made concerning the nature of these rights and duties, just as discoveries are made concerning the nature of other natural phenomena. There is, however, this difference to be noted: rights and duties are discovered by experience; the nature of natural phenomena is determined by experiment. Human life and its interests are too sacred to permit experiments to be made for the purpose of discovering rights and duties, as experiments are made in chemistry to determine the nature of strange compounds. The closer a government gets to the experience of the people, and the less it experiments with them, the more the welfare of men is promoted. Only arbitrary despots like the Czars of Russia ever experiment with human beings. A law is sometimes called an experiment, but it is based upon previous experience. Oftentimes people who are corrupt or ignorant, oppose the increase of knowledge of political rights and duties. This opposition is sometimes composed of masses of people deceived and misled by bold men. But such opposition to the general welfare has caused mighty struggles for rights, such as the wars that have devastated different countries at different times. We must keep in mind that political rights and duties are as natural to all men as eating or sleeping; if not subject to wise laws, men become politically diseased and think and act foolishly and wickedly, and have to suffer the consequences of their actions. A great law of politics is, that *the possession of power is the possession of responsibility:* in a republican government like our own, this responsibility rests upon every citizen, for the authority of the government is the will of the people of the United States.

48. **Freemen's Rights and Land Rights.**—Anglo-Saxon ideas prospered in England, and in a few years overspread the land. In three centuries they were firmly rooted in the island. Land was held in two kinds of ownership: one, ownership by the individual; the second, ownership by the public, or, as we are accustomed to say, by the

state. The public land was called the *commons*, a word still used in some parts of our country as the name of public parks or squares. There were freemen with land and freemen without land, but the landed freemen enjoyed rights not allowed to the landless man. The notion that land-owning gives peculiar rights politically continues in England to this day, and it prevailed in some parts of the United States until about 1850.

49. Growth of Cities.—Great towns grew up in England, and the townspeople were very active and jealous of their ancient rights. The kings frequently tried to restrict the liberties of the towns, but the resistance of the towns was too great. So as time passed the people liked their ancient rights better and better; they liked the freedom that was guaranteed by their old laws and customs. Often they were called upon to assist the sheriff in the execution of the laws. One of these old customs, called the "Hue and cry," still continues.

50. Hue and Cry.—If a person in the hundred or the shire had committed a crime, he was quickly pursued by those whom he had wronged or by the sheriff. If he could not at once be found, the *hue and cry* was raised, and all the people joined in the search until the offender was seized. The sheriff still has the authority to call on the people of the county, the "*posse comitatus*" as it is called, when he alone is unable to execute the laws.

51. Juries and Tax-levies.—The English people liked the free and ancient manner of acquiring and of conveying land; they liked their old custom of trying suits at law before a jury of twelve men, who saw the parties in the dispute face to face, heard the story of each party and decided according to the facts in the case. They liked also the ancient manner of levying taxes, which was to allow the elected representatives of the people of each township to levy the taxes for that township. This was in accordance with the rights of local government. Is it

strange that the people came to speak of their rights as "the ancient and undoubted rights of the people of England"?

52. The Norman Conquest.—A great change came over England in the year 1066: the Normans, a Franco-German people, conquered the island. These French-speaking Germans took all the land of England as a military tribute, and the Norman leader, William the Conqueror, took the title to all the land. He gave part of it to his nobles on condition that when he wished their services they would instantly come and serve him: the land taken in this manner by a nobleman was called a *feud* or *fee*, and the system thus begun was called the *Feudal System*. The feudal system still prevails in England, but it never prevailed in the United States. It lies, however, at the foundation of some of our ideas about land. By it the title of all the land was vested in the king. With us the title of land is vested in the owner of it, but if the owner is not the state, the title of the land can be traced back to the state, for the state in this country is the lawful successor to the king.

53. Origin of Taxes.—The personal service of the lord in war was not regular, and after a time the king consented to take a definite sum of money instead of war-service; the lords thus became taxpayers, but they collected the money for the taxes from the people who lived upon the land, and these people were the descendants of the ancient owners of the land.

The king was supposed to be the real owner of the lands and to protect them, and, as he had given the land to the lords, they did not dare refuse to pay him taxes, lest he should take their lands away and give them to others. In the United States we know that if a person fails to pay the taxes levied by the authority of the State, the sheriff will seize his land and sell it. The sheriff represents the people of the State by whose authority the taxes were

levied. In England the Norman king was the state, but he did not represent the wishes of the people.

54. The Rising of the People against the King.—One by one the ancient rights of the English people were taken from them by the king. Landholding became insecure; the old laws and customs were ignored; the people complained, but the king would not listen. At last the Archbishop of Canterbury, Stephen Langton, invited some of the barons of England to join with him in compelling King John to acknowledge, and rule according to the undoubted and ancient rights of the people of England. John refused; the king and the barons prepared for war, but the king's heart failed; he had a bad cause: he consented to grant a charter of rights, by which the old laws and customs should be restored and the people protected in the exercise of their ancient rights and liberties.

55. The Great Charter.—On the 15th of June, 1215, a memorable year in the story of liberty, the archbishop and some twenty resolute barons—statues of whom now support the ceiling of the House of Lords—met the king and his barons on a little island in the Thames, called Runnymede, about fifteen miles above the city of London. There and then the king was forced to acknowledge the ancient rights of his people in a charter called *Magna Charta*, the "Great Charter," and as the king and many of his barons could not write their names, they tied their seals to the charter with leathern strings, and the charter with its seals of stone may be seen in the British Museum to this day. The king tried to ignore the charter, but the people and their barons waged war against him with such success that he and his successors for more than seven hundred years have sworn "to rule according to the law of the land" and support the principles of the charter. This promise of the king of England at his coronation is similar to the custom that prevails in the United States at the inauguration of a President, who takes a sol-

KING JOHN AFFIXING HIS SEAL TO MAGNA CHARTA.

emn oath to "preserve, protect and defend the Constitution of the United States."

56. The House of Commons.—But some of the kings broke their promises to the people. Fifty years after the Great Charter the people of England found another patriotic leader and friend in Simon de Montfort, who seized the king, Henry III., and summoned the representatives of the people in a Parliament. The people had once been accustomed to choosing an assembly of their wise men, who had made the laws of the land, but in 1265 these assemblies had long fallen into disuse. De Montfort simply restored them and gave them a French name, *Parliament*, the "talking body." In this first English Parliament the people were again represented by two men from each shire and two from each borough. These representatives of the people soon united to form the *House of Commons*, which continues to this day as the representative council of the people of England. The Commons are elected by the Englishmen who vote. The king's council became the House of Lords, an hereditary body. The Lords are descendants of old land-barons or are men raised to the peerage by the king.

57. Powers of the House of Commons.—The Commons soon showed their power to be greater than that of the Lords. From ancient times the representatives of the people of the shire had voted the taxes to be raised by the shire; the Commons therefore voted the taxes for all England. The existence of the army and of the navy and of the entire clerical force of the government depends upon the vote of the House of Commons. Even the money for the king's household is the gift of the House of Commons.

58. Struggle between King and Commons.—For the last five hundred years in England the king with the lords have been struggling against the commons. Sometimes the House of Commons has been frightened into a

brief surrender of ancient rights, but the people have always regained more than they seemed to lose. England has become more and more democratic every day. The struggle between king and commons reached its height during the time of the House of Stuart.

59. The Petition of Right.—In 1628 the House of Commons wrung from the king the second charter of liberty, the *Petition of Right.* By this charter the king gave up for ever all claim to the right of levying taxes; he no longer could imprison a subject at will; he could not quarter soldiers in any house without the consent of the owner. But after a few years King Charles I. disregarded the Petition of Right.

60. Civil War leads to the Commonwealth.—The king and his followers, called the royalists, made war upon the House of Commons. Civil war raged for about six years, till the king was made a prisoner, was tried by a jury in the great hall of William Rufus, was sentenced to death, and was executed, because he had attempted "to rule contrary to the law of the land." Then for twelve years the people of England had no king, but were governed by Parliament. Oliver Cromwell, one of the greatest of Englishmen, became chief executive with the title of Lord Protector, a significant title for the chief magistrate of a free people. England was a commonwealth. But the royalists wanted a king, and they succeeded in restoring a son of the beheaded king, and Charles II. ruled in England. Liberty had made much progress under the Commonwealth, and it continued to progress under the rule of the new king.

61. Habeas Corpus the Security of the Citizen.—Although Magna Charta had said that no man should be imprisoned unless by the legal judgment of a jury of his peers, still in some instances persons sent to prison by the king's warrant had been kept there without help or remedy. In 1679, Parliament remedied this evil by passing

the *Habeas Corpus* act, which prevented the king and his successors and all others in authority from keeping prisoners in jail at pleasure. Every prisoner in England and in this country committed to jail on charge of any crime is entitled to have a hearing before the court in his own behalf, and have the charges against him examined lawfully. The words *habeas corpus* mean, "Have the body." By the exercise of this right the body of the prisoner must be brought before the court to answer in his own behalf whether he shall be returned to jail or set free by the judgment of the court and the law of the land. The act has been re-enacted in every American State, and is considered the most famous security of personal liberty known to our laws.

62. The Bill of Rights.—Nine years later, in 1688, the English people by their representatives in Parliament expelled their king, James II., brother of Charles II., because he persisted in attempting to rule contrary to the law of the land. They declared the throne vacant, and invited William, Prince of Orange, to take the crown, on condition that he would acknowledge the ancient rights of the English people and swear to support and defend them. That there might be no mistake concerning these rights, Parliament drew up a statement of the principal rights long claimed and contended for by the people. This statement is the famous Bill of Rights of 1688. Prince William consented, and a member of Parliament placed the crown upon the new king's head as the first constitutional king of England. So it is truly said that since 1688 the monarchs of England have their title by act of Parliament; that is, by the consent of the representatives of the people of England.

The Bill of Rights has been called the constitution of England; but that statement is not quite correct, because the English people have never reduced their civil institutions to writing. The British constitution consists of the

law of the land, its civil institutions, and the rights and duties of the English people.

63. The Experience of England Beneficial to America.—The long and successful struggle for rights in England was of incalculable advantage to America. But the Englishman of the seventeenth century had not the rights now enjoyed by a citizen of the United States, nor even by a citizen of England to-day.

In 1688 an Englishman had not the right to worship God according to the dictates of his own conscience; he had not the right to educate himself; he had not the right to vote; he had not the right to choose a trade or occupation; he had not the right to own land; he had not the right to travel; he had not the right to express or publish his opinions.

The Englishmen who came to America during the century and a quarter in which the American colonies were founded, brought with them many ideas which would not now be tolerated. These ideas, however, were immediately enthroned in the customs and laws of the colonies. The rights of the citizen of the United States have increased rapidly in a hundred years, and they are enlarging constantly as he becomes conscious of them and lives up to the demands of his industrial, political, civil and moral duties. America has outgrown the limitations of the rights of the people in her early colonial days, and has become the freest country in the world.

CHAPTER IV.

THE STORY OF POLITICAL RIGHTS IN COLONIAL AMERICA.

64. The People of the Colonies.—Most of the early colonists were English people, and they claimed all those ancient and undoubted rights for which the people of England had so long contended. These rights and liberties were guaranteed them by the Crown in charters granted at various times from 1606 to 1732. From the beginning these rights were asserted and applied. The Virginians organized their House of Burgesses in 1619, after the model of the House of Commons. In 1620 the Pilgrims, while yet on board the "Mayflower," drew up and signed the famous compact which implied the possession of all these rights, and which was the first written constitution in America. It was the civil experience of the people of England that laid the foundations of representative government in the colonies.

65. The Colonial Governments.—The colonial governments were organized under the tripartite form of executive, legislative and judiciary, but these departments were not distinct from each other; the executive was constantly invading the domain of the legislative, and the judiciary was not independent. In time the colonies fell into three civil groups, known as the Royal, the Proprietary and the Charter Colonies. These were alike in one respect, that in each colony the freemen elected the members of the lower branch of the legislative department, usually called the Assembly. This lower house possessed exclusively

SIGNING THE COMPACT IN THE CABIN OF THE MAYFLOWER. (See page 164.)

the right to levy taxes and to appropriate the public money. In each colony the Assembly was a local House of Commons, and in North Carolina it was known by that name. In the royal governments all officials save the members of Assembly were appointed by the Crown or by the colonial governor, himself so appointed. Even the legislative branch felt the royal power, because its upper house, called in some colonies the Senate, or more commonly the Council, was appointed by the governor. He also appointed the ordinary administrative officers, both civil and military. In the proprietary governments the lord proprietor took the place of the king, and made similar appointments. In the charter governments the members of the legislature and the governor were elected, but the judiciary was appointed by the governor. At the time of the Revolution, Connecticut and Rhode Island were charter governments; Maryland and Pennsylvania were proprietary; and the remaining nine were royal.

66. Defects in these Governments.—The lack of a foundation on the will of the people was the chief defect of the colonial governments. They were not democratic in character, and government was conducted largely by those who could not be held responsible for their acts. There was least complaint of this kind in the two charter governments, and the evidence of their excellence is their continuation long after the Revolution; Connecticut continuing her government under the charter of 1663 until the adoption of her constitution of 1818, and Rhode Island, her charter of 1663 until her constitution of 1842. Had all the colonies enjoyed charter governments, the Revolution might never have occurred. But in eleven colonies the people had slight control over public affairs. The royal governors were creatures of the Crown who came to America to better their fortunes. The governors sent over by the Penns and the Calverts were no better. As no act of Assembly could become a law until approved by

the governor and finally by the Crown, the people had frequent occasion to complain that their governors had refused assent "to laws the most wholesome and necessary for the public good." If a governor nowadays refuses to sign a bill, the legislature may make it a law without his assent. The people of the colonies had no means of redress; they were at the mercy of their governors, who, by declaring what bills they would sign or the king would approve, seriously interfered with the independence of the legislative and imperilled one of the most important principles of free government. The governors were in no sense responsible to the people, though receiving their salaries out of the public treasury; the executives in eleven of the colonies were military officials rather than civil officers. The whole tendency of royal government in America was to make the military superior to the civil authority. The governors had the right to assemble, to adjourn or to dissolve the colonial legislatures; they called the Assemblies together "at unusual, uncomfortable and distant places," for the sole purpose of fatiguing them into compliance with their measures; they frequently dissolved them without cause, and by their arbitrary acts imperilled the progress and safety of the colonies. Royal interference was a subject of common complaint. The Assemblies in America thus came to continue the old struggle between king and commons. It was the struggle between democracy and absolutism, between representative government and an unconstitutional monarchy.

67. Restriction of Colonial Trade and Industry.—A fertile source of complaint amongst the colonists was the parliamentary legislation which practically prohibited colonial trade and arrested the development of American resources. The act of Parliament of 1660 compelled the shipment of all articles to or from America in English ships manned by English sailors The act of 1663 compelled the colonists to buy all their supplies in England,

and in England only, and prohibited manufactures in America. "Even William Pitt, the friend of America, declared that she had no right to manufacture even a nail for a horseshoe except by permission of Parliament." The act of 1672 compelled the Americans to send their products from one colony to another either by way of Bristol, England, and pay duty there, or, if sent directly from colony to colony, to pay the duty in America. These laws were in force in 1776, and had been strengthened by many particular acts of the same nature.

68. The Question of Taxation.—The struggle between the king and the colonists was intensified when the British Parliament in 1765 took sides with the king and asserted its right to tax America, as he asserted his right to govern it. The Americans denied the right of Parliament to tax them, and formally set forth their opinions in the Declaration of Rights of 1765, in which they said:

"That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally or by their representatives.

"That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

"That the only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures."

The adoption of the Declaration of Rights crystallized the feelings and opinions of the colonists. At once it began to be said in America that the rights of the colonists were their ancient and undoubted rights, and that these rights were natural; that the colonial Assemblies were the real House of Commons in America, that the real sovereign there was the sovereign people, and that the time had arrived to assert their political and industrial freedom.

69. The Declaration of Independence.—At last came the inevitable expression of the political and industrial rights of the colonists; it is the Magna Charta of America —the great Declaration of 1776. This famous state paper discloses the civil and political and industrial claims of the people of the thirteen colonies, and concludes with the resolution—

"That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

70. The Revolution.—The action of the colonists in declaring themselves independent, resulted in war. The king sent over large bodies of troops to compel the colonists to recognize his authority. These royal troops were trained and disciplined soldiers, well supplied with food, clothing and all the munitions of war.

The troops of the colonists were men of peaceful habits, who left their farms, their workshops and their homes to defend their rights. They were without experience in the art of war, poorly equipped with arms and scantily supplied with food and clothing. On many occasions large bodies of troops passed whole days without food, and the snow-capped hills of Valley Forge, reddened with blood from their bruised and unshod feet, testified to their devotion to the cause of liberty and human rights.

It would seem that the struggle could not long endure, and that inevitably the king would conquer. But "there is a God that watches over the destinies of nations." After eight years of contest of varying fortune, the col-

(See page 169.)

THE ADOPTION OF THE DECLARATION OF INDEPENDENCE.

onists were victorious; the royal troops boarded their ships and sailed back to England, and the United States of America, free, independent and self-governing, assumed its station among the sovereign nations of the earth.

71. The Colonies become States.—During the war the colonies were joined together in a loose federal government under the Articles of Confederation. This form of government proved defective; it lacked "a supreme executive, a supreme legislative and a supreme judiciary." In 1787 a "more perfect union" was formed by the adoption of the Constitution of the United States, which guarantees the rights of the States and the rights of the citizen. The colonies became States, with written constitutions in which the familiar idea of a tripartite government was carefully followed. The colony of New Hampshire was the first to form a State government in 1775, before the Declaration of Independence. Most of the State governments were formed about the time of the Declaration. Thus it came about that the struggle for political rights in colonial America led to our independence and to the organization of our government in a dual form—the government of the States and the government of the United States. Henceforth government in America was to be a "government of the people, by the people and for the people."

"Liberty is in her new home. Strong hands will subdue the wilderness, and brave hearts will establish an empire extending from the frozen regions of the North to the sunny climes of the South, from the stormy Atlantic to the peaceful Pacific. Through hardship, suffering and sacrifice, the great republic of the Western world shall rise to become a peer among the nations. Its starry flag shall be the emblem of the world's best hope, for to it the oppressed of all the earth shall turn with longing eyes, and beneath it there shall be peace and plenty, and the recognition of the rights of men."

PART II.

LOCAL GOVERNMENT.

God governs in the affairs of men.—FRANKLIN.

Government, of the People, by the People, for the People.—LINCOLN.

The village, or township, is the only association which is so perfectly natural that wherever a number of men are collected it seems to constitute itself. —DE TOCQUEVILLE.

To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.—BRYCE.

Not lightly fall beyond recall
The written scrolls a breath can float;
The crowning fact, the kingliest act
Of freedom is the freeman's vote.—WHITTIER.

CHAPTER V.

THE PEOPLE AND THEIR HOME AFFAIRS.—HOW THE PEOPLE GOVERN THEMSELVES.

72. By the adoption of the Constitution of the United States, and the formation of a National and State governments, the colonist became a citizen. Both the Federal constitution and the State constitutions provided for a government of three departments, legislative, executive and judicial, and placed the whole power of government in the hands of the people themselves. Frequent changes, the result of experience, have been made in the forms and methods of local government, and at the present time there are to be found variations in the forms and methods of local government in the different States. The people govern themselves largely through the agency of political parties.

73. Political Parties.—As soon as the United States government was organized the people began to have different ideas about their rights and duties under the Constitution. Thus political parties originated among us. The power and influence of political parties have increased to such an extent that they now form the most important agency in the government of the people.

It is well for the country that the people form different political parties. Errors in the administration of government are less likely to occur and are more quickly remedied when one party keeps a close watch upon the policy and actions of its opponents.

74. Party Committees.—The interests of political parties are looked after by committees. Each party has a

national, a state, a county, a city, and usually a township or town committee.

75. The Primary or Delegate Election.—The primary or delegate election is held for the purpose of choosing delegates to a convention at which nominations for office are made. At the primary election only those are allowed to vote who belong to the party in whose interest the primary election is held.*

76. The Nominating Convention is held for the purpose of nominating candidates for office. It is composed of the delegates elected at the primary election. The delegates represent their whole party. Sometimes there is a difference among the delegates in regard to the nominations; if this difference cannot be reconciled, there is said to be a "split" in the convention; but usually each nominee obtains the unanimous vote of the convention. If the split is serious, the dissatisfied members of the party call another convention and nominate a ticket to their liking. The convention usually places its most available men on the ticket. In the convention the availability of a man usually counts for more than his ability. The business of the convention is to nominate candidates who will win. All members of the party are expected to support the nominees of the "regular" party convention. A person who runs for office without a regular nomination is called an independent candidate. The candidates and their friends contribute money for a "campaign fund," a name given to the money that is used before election for the purpose of securing the victory of their party.

77. State Conventions.—For the choice of candidates for State offices the representatives of different political parties assemble in their own conventions. The representatives are delegates locally chosen, and are often under

* The method of making nominations and conducting elections varies, but the method as given in this chapter is the most common. See note page 52.

promise to support some particular candidate; such delegates are said to be "instructed." In State conventions nominations are made for governor, lieutenant-governor, secretary of state, State treasurer, State auditor, and in some of the States for judges of the State supreme court and State superintendent of public instruction.

Members of the State legislature are nominated in conventions held in State senatorial districts and in State representative districts.

Members of the national House of Representatives are nominated in Congressional district conventions.

78. National Conventions.—The candidates for the Presidency and Vice-Presidency of the United States are nominated in a national convention, which is an assembly of delegates from all the States and Territories. Each political party holds its own convention, which usually consists of twice as many delegates as the Congress of the United States has members.*

79. Benefits of the Convention.—The convention represents the liberty of the citizens to assemble peaceably for the transaction of any business in which they are interested. It originated in New England at the suggestion of Samuel Adams, and, with some modifications, has spread over the entire country. When honestly conducted the convention is a simple means for ascertaining the wishes of the people in the nomination of public ser-

* The development of the political convention in America has kept pace with the growth of the conveniences in internal transportation. Before 1790 a convention consisted of representatives who could conveniently gather on horseback from a few adjoining towns. With the introduction of stage-coaches came county conventions. When the canal and the post brought people in closer association, groups of States began assembling in convention—a period culminating in 1825. A national convention was not possible until after 1850, the period of the beginning of railroads, and became a convention in a truly national sense only when the telegraph had brought all parts of the country into closest relations.

vants. It is the strongest bond of party union and the longest lever of political machinery known in America.

80. Evils of the Convention.—By the abuse of liberty politics becomes a trade. Political bargains are made between men who by their peculiar influence are able to bring out a strong vote for or against a candidate. In the convention political influence is paramount. This influence is generally legitimate, but when men called "bosses" use money or improper influence to carry the election, the convention is the place where they concentrate their efforts. At their hands the "campaign fund," raised by the party for the purpose of employing political speakers, of hiring space in newspapers, of organizing political meetings, parades and other influences in the interest of the party, is sometimes deflected from its proper use and expended in buying votes. Electors may be found who are willing to sell their votes to the highest bidder, not realizing the immorality and the danger of such political corruption. An elector who will sell his vote is as faithless and dangerous a citizen as the unscrupulous political "boss" who purchases it: political corruption is the consequence of their wrong-doing.

The evils of the convention are far outweighed by its advantages, and are the exception, not the rule, in the United States.

81. The Evils should be Remedied.—Sometimes the people rise up against the bosses and overthrow them by rejecting the nominees of the convention and electing others more to their liking. As our entire political system of free government in this country starts in the convention, it is absolutely necessary for the welfare of the people, both in local and in national affairs, that the convention be kept just and pure. The responsibility of the citizen in such a government as ours requires him to be very bold, very just and very persistent in his demands for the purity of all political management. The subject is of the greatest

practical importance, and touches every right of the citizen, industrial, political, social and moral. *It cannot be too plainly understood that the demoralization of our politics means the ruin of our liberties, the overthrow of our institutions and our extinction as a nation.* The remedy for our political evils consists in an active sense of justice and an earnest demand for political honesty by every citizen of the Republic.

82. The Campaign.—After the nominations are made and publicly announced the campaign begins. Each party uses every means in its power for victory over its opponents. In local elections the excitement is usually small, but sometimes a brilliant campaign in a single State is the beginning of a national campaign. The activity of the newspapers and of the politicians and the general intelligence of the electors tend to keep the people familiar with the political issues of the day and the principles involved in our government, both local and national.

83. The Electors or Voting Citizens.—The right to vote is regulated by the constitution and laws of the several States, subject to the Constitution of the United States. The qualifications of the elector vary somewhat in different States, but all the States require the elector to be of sound mind, of the age of twenty-one years or more, and to be a resident in the State, county, township or town, city, ward or polling district where he offers his vote. Some States require the payment of a tax; others require the ability to read or write.

84. The Polling-Place.—The polling-place is fixed by law; it is the place for depositing the ballots of the electors. It is the one place in the United States where "all men are equal;" one vote counts as much as another. Each elector here mingles with his political peers, and by his ballot endeavors to impress upon the State or nation his own ideas or those of his party. This is the place where the character of our government, both local and

national, is determined. Our entire civil structure depends upon the opinions of the electors. The polling-place is under the protection of specific laws passed for the purpose of maintaining the purity and honesty of elections.

85. The Right to Vote may be Lost.—The right to vote is lost upon conviction of such crimes as treason, murder, forgery, bribery, larceny, duelling, election misdemeanors, embezzlement of public funds, malfeasance in office, and the giving or receiving of money or gifts to influence elections.

86. The Party at the Polls.—Men of the same party vote the same ticket. If they are a majority of the electors, they elect their candidate; disputed elections in the case of local officers or of State officers are decided by the courts: if the dispute concerns an election of a member of the State legislature, it is decided by the legislature itself. In the Congress of the United States each house decides as to the election of its own members. The party victorious at the polls becomes the "*administration*," or the party in power.* The ideas of the party soon find expression in legislation, and affect all the rights, interests and duties of the people. This effect of party administration may be local, State or federal. If the effect of the party's

* Formerly, after the installation of a party in power, changes were made by it in the officeholders. Officials not belonging to the administration were displaced, and the offices were given to the friends of the administration. A great party is usually composed of factions. The leaders of these factions made political bargains by which the offices were divided among the factions. All political parties in the United States acted on the principle "To the victors belong the spoils." In order to prevent the evils of the "spoils system," civil-service examinations for government appointments were advocated, which led to the inauguration of our civil-service reform. Applicants for nearly all of the government positions are now required to pass written examinations, and from the list of persons found to be qualified the appointments are made. The cardinal principle of civil service is, "No removal except for cause, and no promotion except for merit."

administration of the government is believed by the people to be injurious to their interests, subsequent elections change the administration and commit the government to another party. In this way, by frequent elections, public servants are held responsible to the people for their administration of the government.

87. Election Officers.—Each election of public officers is under the care of election officers. They are administrative officers only; their duty is to conduct the election according to the laws of the State. Usually, the two most powerful political parties are equally represented on the board of election officers. Proofs of qualification are required of all voters at the discretion of the election officers.

88. Counting the Votes.—The time of election is usually from sunrise to sunset. At the close of the polls the vote is officially counted and recorded, and a correct report is sent to the court of the county. This report is called *the return.* The return is usually recorded in the county court as a part of the county records. It is the property of the State. The official count of the votes is also made known for the information of the people.

89. The Officer Elect.—The person receiving the highest number of votes is elected to the office to which he was nominated. Before assuming the duties of the office he takes the oath of office, swearing or affirming loyalty to the United States and to the State in which he lives if he is elected to a local or State office; but if chosen to a Federal office he takes only the oath to support the Constitution of the United States. The office is then turned over to him by the retiring officer.

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90. The Press.—An important factor in matters of government is to be found in the press. We are a nation of newspaper-readers, and many of our political ideas are derived from them. Usually, the press is to be found on the side of good government. It influences the individual

elector; it influences the political convention; it advocates public reforms; and frequently, by consolidating public opinion, it compels negligent officials to administer their offices with a view to the public welfare. The press is free, and its freedom is guarded by all of our constitutions; hence public affairs are constantly subject to its scrutiny and criticism, and it thus becomes a valuable aid in helping the people to govern themselves.

91. The Town Meeting.—In the New England town the government is carried on directly by the electors, who come together in what is known as the town meeting. At the annual town meeting the electors determine the amount of money needed to defray the expenses of the town's government, they fix the rate of taxation, appropriate the money necessary for the support of the schools, the care of the roads, the support of the poor and for such other purposes as may be necessary, and elect the town officers.

The town meeting originated in New England, but it existed and flourished in all the colonies in the form of a public assembly.

Of late years, in some sections of the country, the town meeting has assumed new features; frequently, when a public question interests a community for any length of time, a town meeting is called and the question openly discussed. The town meeting thus becomes a living expression of public feeling; it is the voice of public opinion directed to the discussion of current questions, and has a powerful influence in moulding the opinions and actions of those in authority. Such a town meeting is to be distinguished from the town meeting which assembles for the purpose of transacting the civil business of the town.

CHAPTER VI.

THE STATE AND THE TERRITORY.

THE STATE.

92. Its Nature.—A State is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution and established by the consent of the governed. Each State or commonwealth maintains a republican form of government.*

* The general form of government in the different States is practically the same. Each State has its executive, legislative and judicial departments and officers, as required by the State constitution, and each has administrative departments and officers, some of which are required by the constitution and some of which have been created by enactments of the State legislature or General Assembly. Local interests in a State will sometimes require the creation of an office unknown in other States, and there will frequently be found variations in the manner and method of accomplishing certain objects, in the number and names of officers and offices and in other minor matters of detail. In one State the title selectman has the significance of councilman or alderman in other States. The courts in which the estates of deceased persons are settled is in one State called the Orphans' Court; in another State it is called the Probate Court, in another the Surrogate's Court. In one State the highest State court is known as the Supreme Court, in another as the Court of Appeals, and in another as the Superior Court. In one State an officer performs a certain duty which in another State is performed by an entirely different officer. What is done in one State by a single officer, in another State may be the duty of a board of officers. A form or custom common in one State may not be found in another State. The study of the causes of these variations usually discloses the fact that they are

93. Its Government.—The government of the State is tripartite, and is vested in three departments, legislative, executive and judicial; it is entrusted by the people of the State, under a written constitution, to law-making, law-executing and law-judging officers.

94. The General Assembly or Legislature.—The legislative department is vested in two independent bodies called respectively the House of Representatives, the lower house, and the Senate, the upper house. The two houses comprise the State legislature or General Assembly. The legislature makes the laws for the State, which must not conflict with the Federal Constitution nor with that of the State, or they may be declared unconstitutional by the courts, and therefore null and void. These laws provide for the dealings of the citizens with each other, such as making contracts and partnerships, buying and selling lands, houses, goods and property of all kinds, making mortgages, deeds, promissory notes, checks, etc., for the organization and government of corporations such as insurance, railroad and telegraph companies, for the prevention and punishment of crime, for the establishment and support of charitable and educational institutions, for establishing and regulating courts, for the government of counties, cities, boroughs and townships, for the method of procedure in courts, for the qualifications of electors and all other matters in which the citizens of the State may have any interest.* It is the duty of the legislature to

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ancestral in their origin. A section of the country the residents of which are of German descent will show differences in local matters from a section whose residents are of English or Scotch-Irish lineage. It should be remembered that these variations are merely matters of form: they do not conflict with the general plan of government, but, on the contrary, may be taken as evidences of an effort to secure the best form of local government. The details of the government of any State can be disclosed only by a study of the constitution of that particular State, and of the forms and methods in use therein.

* Laws are made by the State legislature practically in the same

make such laws as will promote the general welfare of the people of the State. All the laws of the State are enacted "by the authority of the people of the State."

The State is divided by the legislature for election purposes into representative or assembly districts, State senatorial districts and congressional districts. The representative districts are the most numerous, and are arranged with reference to local interests. The senatorial districts are arranged with reference to groups of interests, such as those of a county or of a city. The term of service for the House of Representatives is shorter than that for the Senate. The powers of the two houses are generally the same, except that usually the lower house has the exclusive right of impeachment, to levy taxes and to originate bills for the expenditure of money, while the Senate has the exclusive right of trying impeached officers and of confirming appointments made by the governor. The time allowed by law for the meeting of the legislature is called the session. The regular session varies in different States from forty to one hundred and fifty days. The tendency in the later constitutions is to limit the length of the session and to make it biennial. Legislators are paid a salary for their services, and they are allowed a sum of money called *mileage* to pay their traveling expenses in going to and returning from a session of the legislature; they have also an allowance for stationery and postage.

95. The Executive.—The chief executive officer is the governor, elected for a term of years. He is required to advise the Legislature of the condition of the State, and recommend to its consideration such measures as he may deem necessary and expedient. It is his duty to see that the laws are faithfully executed. He represents the unity

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manner as by Congress (see page 73, ¶ 132). The essential features are approval by a majority of both houses and by the governor; or, if the governor does not approve, then subsequent approval by two-thirds of both houses.

and power of the people of the State. He is commander-in-chief of the militia of the State, except when it is called into the service of the United States. He nominates to the legislature, usually to the State Senate, all State officers not elected by the people, and officers to fill vacancies until an election is held. He commissions all officers whom he appoints. He has the power to grant reprieves and pardons, except in cases of impeachment;* he signs bills passed by the legislature if he approve of them, or, if he disapprove, he refuses to sign, which refusal is called a veto. In some States he may disapprove a part of an appropriation bill and approve the remainder. Usually he has the power to call the Senate together for the purpose of transacting executive business, and to call the legislature together on extraordinary occasions.

96. The Judiciary.—The judicial power of the State is vested in the supreme court, called in some of the States the court of appeals, and in such lower courts as may be established by the constitution of the State or the General Assembly. The State constitution prescribes the mode of election or appointment of the judges and the jurisdiction of the courts. Most of the cases decided in the supreme court are brought before it by appeal from the lower courts, although it also decides cases that originate in the supreme court. The decision of the supreme court of the State is final, excepting for a certain class of cases designated by the Federal Constitution, which cases may be appealed to the United States courts.†

97. Administrative Officers.—The State constitution and the laws of the State provide also for officers connected with the executive department, whose duties are chiefly

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* In some States the governor can exercise the pardoning power only on the recommendation of a board of pardons provided for by the constitution of the State.

† In Massachusetts and Rhode Island the term of service of the judges in the supreme court of the State is for life. In Delaware the

to administer the laws. These officers vary in the different States, but usually there is—

1. The lieutenant-governor, who presides in the State Senate, and in case of the absence, disability or death of the governor succeeds him as governor of the State.

2. The secretary of state, who is the agent of official communication between the State and other States and the United States. He is the keeper of the archives of the State, and prints or causes to be printed the laws as they are passed. He attests the signature of the governor in all official documents.

3. The State treasurer, who is the keeper of the moneys belonging to the State. He is under bonds with sufficient securities. He receives all money raised by taxation for State purposes, all fines, penalties and revenue from the sale of State lands and other sources, and pays out money upon warrants duly presented to him according to law.

4. The State auditor, who examines the financial accounts of all State officers and makes an annual report of the condition of the finances of the State. His duties are of great importance in determining the exact financial condition of the State.

5. The attorney-general of the State, who is the legal adviser of the governor and of the heads of departments. His opinions have great weight in influencing the governor in the exercise of his executive duties.

6. The State superintendent of public instruction, who

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judges retire at seventy years of age. In the remaining States the judges serve for a definite term, varying from a term of two years in Vermont to a term of twenty-one years in Pennsylvania. In six of the States—Connecticut, Georgia, Rhode Island, South Carolina, Vermont and Virginia—the judges are elected by the State legislature. In four States—Delaware, Louisiana, Mississippi, and New Jersey—the judges are appointed by the governor with the approval of the State Senate. In Maine, Massachusetts and New Hampshire the judges are appointed by the governor with the approval of the council. In the remaining States the judges are elected by the people.

is the chief officer in the State system of public schools. He has in his care the public educational interests of the people of the State. He decides questions of law and of procedure in school affairs, and his decisions are usually upheld by the courts. He reports the condition and needs of the schools to the legislature. His principal duty is to secure uniformity, harmony and efficiency in the public schools.

7. Each State has usually a State librarian, who is in charge of the State library; a State printer; an insurance commissioner, who examines into the condition of the various insurance companies doing business in the State; and railroad or canal commissioners, whose duty it is to examine into the operations of all railroad and canal companies so far as the business of these companies comes within the jurisdiction of the State.

There are other officers, commissioners, boards, bureaus, etc., created to meet the varying wants and interests of the different States. All officials whose duties are administrative make annual reports to the State legislature of the condition of the public interests committed to their charge. These reports are published by the legislature as public documents for general distribution.

98. The Supreme Law of the State.—The supreme law of a State is its constitution. The people of a State have the right to frame a new constitution at their pleasure. Several States have had two or more constitutions. From time to time public opinion changes, and laws and constitutions reflect these changes. The tendency of American thought in the past century has been toward greater liberality in opinion, politically, industrially, socially and morally. The old "blue laws" of Connecticut would not be tolerated now. The greatest changes in the State constitutions and laws have been made in the recognition of political and civil rights.

The rights secured by the constitution and laws of the

State are—personal security, personal liberty, private property, protection of public property, freedom of worship, freedom of speech and of the press, trial by jury, public meeting, the writ of habeas corpus, the obligation of contracts, the exemption of the citizen from unreasonable searches and seizures of his person or of his effects, and from cruel and unusual punishments; and the supremacy of civil over martial law. (*See ¶ 63, page 34.*)

99. State Institutions.—For the welfare of its people the State maintains various public institutions. For the support of asylums, penitentiaries, reformatories, prisons, scientific institutions, schools, colleges and universities the State makes grants of land or appropriations of money. Appropriations for these and for other purposes compel the levying of a tax upon the people of the State.

100. Taxation.—The right of the State to tax property within its limits is a sovereign right necessary to the existence of the State. Taxation is just, necessary and advantageous both for the State and for the individual. A tax is a contribution imposed on citizens and on corporations for the service of the State. This service consists in the maintenance of the State government for the protection of the industrial, political, social and moral rights of the people. A single individual alone could not protect his rights, but by association in government all individuals are protected. The tax paid by the individual is not sufficient of itself to obtain for him all the rights to which he is entitled; it would not educate his children, nor pay a person to protect his property, nor maintain good roads. When every individual is taxed, and the State thus obtains a large sum of money, the means is provided for the protection of all the rights of each individual. That which could not be accomplished by the individual alone is easily accomplished by the association of individuals in government and by a system of public taxation.

101. Income of the State.—The income of the State is derived from taxes, fines, penalties, licenses, charters, fees of administrative officers, land sales, interest on loans, profits on industries engaged in by the State, the sale of franchises to corporations, from the estates of persons dying without heirs, whose property by law becomes the property of the State, and from various other sources.

102. Title to Land in the State.—When the American colonies became States, each State became the source of all land titles within its own jurisdiction. If the title to the land is vested in any private person, he holds it subject to the perpetual claim of the State for taxes on the property.

103. Boundaries of the State.—The boundaries of the original thirteen States were determined by royal charters and by actual settlement. The king and his advisers were totally ignorant of the geography of America, and the charters bred hopeless confusion in colonial boundaries which led to disputes between some of the States.* Every State boundary has been accurately surveyed. Some State lines have become historic, as the southern boundary of Pennsylvania known as Mason and Dixon's line, after the names of the two surveyors who in 1766 marked off the line as decided by the English Board of Trade. They placed the arms of Pennsylvania on the north face of the boundary-stones, and on the south face the arms of Lord Baltimore. The boundary owes its fame to the fact that it became the boundary between two industrial sections of the country. The Supreme Court of the United States alone has the authority to settle disputes as to the boundaries of a State.

104. Regularity of Western States.—When a new

* Penn's deed from King Charles specifies "A tract of land in America lying north of Maryland, on the east bounded by the Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable."

State is admitted into the Union, Congress fixes its area and boundaries. The States formed by Congress out of the public domain, and their county divisions, are quite regular in contour. The difference between the contour and the county divisions of the old States and those of the new States shows how a strong national government can determine the shape and dimension of States.*

THE TERRITORY.

105. Government in a Territory.—Government in a Territory is tripartite. The governor, the judges, the secretary of the Territory, the marshal and the attorney for the Territory are appointed by the President, with the consent of the Senate, for a term of four years. The Territorial legislature consists of two houses, the Council and the House of Representatives, elected by the qualified electors in the several districts into which the Territory is divided. The legislature is empowered, by act of Congress, to make laws for the government of the Territory, and these laws, having been approved by Congress, prevail in the Territory. All township, district and county officers are either elected or appointed, according to the provisions of Territorial law. The electors in a Territory do not vote for Presidential Electors. Every Territory is entitled to send a delegate to the House of Representatives of the United States, to serve during the term of Congress to which he is elected. He is chosen by the qualified voters in the Territory. A delegate's function is to inform Congress of the condition and wants of the Territory which he represents. The delegate has the right of debating, but not of voting, in Congress. Each Territory is divided into three judicial districts, and has a supreme court and three district courts. There are also justices' courts. The marshal of the Terri-

* Compare a map of Virginia with a map of Kansas. Notice the irregular contour of the former State and of its counties and townships compared with the latter.

tory executes all processes of the Territorial courts, and performs, in general, the duties of a sheriff in a State. The attorney for the Territory performs duties similar to those of an attorney-general of a State. All Territorial officers appointed by the President are paid salaries out of the treasury of the United States, and Congress annually appropriates an amount for the expenses of the Territorial legislature which is the limit of legislative expenses in that Territory.

106. How a Territory becomes a State.—When the people of a territory desire admission into the Union as a State, a petition to that effect from the territorial legislature is presented to Congress by the territorial delegate. The petition is referred to the committee on territories. The committee, if favorable to the admission of the Territory as a State, presents a bill to Congress, which, if approved, becomes the enabling act providing for the admission of the Territory. The enabling act defines the boundaries and determines the name of the proposed State, and requires the electors of the Territory to elect delegates to a convention to prepare a constitution for the proposed State; it specifies that the said constitution shall be republican in form, in harmony with the Constitution of the United States and with the Declaration of Independence, and it contains such other provisions as may be deemed necessary by Congress.

When the constitution has been prepared by the convention it must be submitted to the electors of the State. If approved by a majority of the electors, a statement to that effect, together with a copy of the constitution is sent by the governor of the Territory to the President, who examines the constitution, and if it is found to comply with the provisions of the enabling act, the President issues a proclamation declaring the State admitted to the Union.

107. Definition of Government.—Having traced Government from rude beginnings among savage tribes to

some of its highest results among civilized people, we are now ready for a statement of its meaning. *Government is the direction and control of human interests, and is founded upon human rights.*

NOTE.—The government of the city, the county, the township, town or parish varies in the different States. Manuals explaining the local government of many of the States have been published, and when these are not available the teacher should explain the nature and duties of local officers, whether elected or appointed. Each community has officers whose duties are executive, judicial, legislative or administrative in character. The study of these duties, and of the variations and peculiarities in the forms of local government, will prove interesting and profitable for the class. In the township, town or parish a visit to the nearest justice, and in the county a trip to the county-seat, will secure any needed information. The local newspaper, local customs and usages, anecdotes and traditions, can be used to advantage in making the study of local government interesting. In large cities a manual of the city government is generally published by the city authorities, and any needed information in regard to the government of small cities can be obtained from any of its officers. (*See Questions page 216.*)

The terms *township* and *town* have a varying significance in the United States. In the States in which the system of government surveys has been followed the congressional township is simply a tract of land six miles square. It has no governmental organization, and, politically, has no connection with the county. In the Middle States a *township* is a political division of the county, and is the unit of government. A *town* in the Middle States is a large village, a borough or a small city. In New England there is no *township* division of counties; the *town* is the unit of government, and the county is made up of *towns*. The term *parish*, used in some of the Southern States, has the significance of the *town* in New England and of the *township* in the Middle States. In Louisiana the county is known as the parish. (*See page 24, ¶ 41.*)

PART III

THE NATION.

The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth. It is ordained of God to do His service.—MULFORD.

You will have to look back upon a century of national advancement without a parallel in history, and to look forward to its probable continuance upon a still larger scale, with an accumulation of high duties and responsibilities proportioned to an ever-growing power.—GLADSTONE.

To the efficiency and permanency of your Union a government for the whole is indispensable. . . . . This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself the provisions for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty.—WASHINGTON.

CHAPTER VII.

THE LAW-MAKERS AND THE LAWS.

108. Sources of Our Laws.—When the authority of the king of England was overthrown in America, the people became the source of law, and they have delegated this power to the State legislatures and to Congress. In order to make plain the powers thus delegated, the State constitutions and the Constitution of the United States declare what law-making powers exist in the State and in the national legislature. The Constitution thus becomes the guide in all law-making.

The councils of a city make the laws for the city. The State legislature makes the laws for the State. The Congress of the United States makes the laws for the nation. Its laws are called acts. An act or law of Congress, if in conformity with the Constitution of the United States, becomes one of the supreme laws of the land until it is repealed by Congress or expires by limitation of time.

But our laws really are made by the people, because the law-makers are the representatives of the people.*

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* LOCAL-OPTION AND PROHIBITION LAWS.—The evils of intemperance have led to organized efforts in various States to control the manufacture and sale of intoxicating liquors. The legislatures of some of the States have passed laws restricting or prohibiting the manufacture and sale of alcoholic liquors. These laws have been sustained by the Supreme Court of the United States as constitutional and within the power of a State legislature. In other States the legislatures have enacted laws by which the restriction or prohibition of the sale of liquor is left to the vote of the electors in each county, town or township. The sale of liquor is thus determined by the option of the locality voting, localities are said to exercise "local option." Efforts have

109. The Congress.—When our national Constitution was under discussion in 1787 two political parties were in the Convention: one party wished to base the Constitution upon the States; the other wished to base it upon the people. By a peaceful compromise both methods were followed in the organization of our national legislature. The Congress has two houses: one, the Senate, represents the States; the other, the House of Representatives, represents the people—the two comprise the national legislature. The two branches of the legislature must act together in making a law.

110. The House of Representatives.—Once in two years the electors in each State choose members of the House of Representatives. Any person who by the law of the State is qualified to vote for a member of the lower house in the State legislature may vote for a Representative in Congress. The election of Congressmen throughout the Union, with few exceptions, is held on the Tuesday after the first Monday of November.*

111. Qualifications of a Representative.—A Representative must be twenty-five years of age, a citizen of the United States seven years and an inhabitant of the State in which he is elected. National citizenship is of more importance than State citizenship in the qualifications of a Representative: he may not have resided in the State long enough to gain a State residence, but he may be qualified as a citizen of the United States to become a member of the House of Representatives.

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been made to amend the Federal Constitution and the constitutions of several of the States by adding a clause forbidding the manufacture, sale or importation of alcoholic liquors.

* Paragraphs 110–221, inclusive, present a study of the Constitution of the United States in its three departments, legislative, executive and judicial. In addition to the explanation of the text of the Constitution, the working of the national government is illustrated and explained.

112. Number of Representatives.—The membership of the House is fixed by act of Congress. Originally there was one Representative for every 30,000 inhabitants. Population has increased so rapidly that had this apportionment continued the present membership of the House of Representatives would be over eighteen hundred. To avoid so great a number, Congress every ten years reapportions the representation. From 1893 till 1903 the membership is one Representative for every 173,901 inhabitants, and Congress apportions its present number, 357 members, among the States. The legislature of each State divides the State into as many congressional districts as it has Representatives in Congress.*

113. Vacancies in the House.—When a vacancy occurs in the representation of any State the governor of that State calls a new election, and the people choose a person to fill the vacancy.

114. Officers of the House of Representatives.—The House chooses its own officers, consisting of a speaker—who is a member of the House—and a clerk, a sergeant-at-arms, a doorkeeper, a postmaster and a chaplain, who are not members of the House.

The Speaker is the principal officer of the House. He is chosen by his fellow-members, and usually by the members of his own party only. He is the third officer in the Government in rank, and as he represents the people and names all the committees of the House, thus shaping legislation, he is next to the President in power. When the Speaker is about to be elected, the clerk of the last House presides until the election has been made. Members of the House draw lots for their seats, but members of the same political party sit on the same side of the hall.

The clerk keeps all the business of the House in order, but has nothing to do with the making of the laws.

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* See Table, p. 211.

The sergeant-at-arms is the police officer of the House and sees that good order is observed. During the session, behind his seat, stands the symbol of the power of the House of Representatives, a slender bundle of ebony sticks bound about and tied with silver bands. Each stick ends in a spear-head, and in the midst of the bundle of spears projects a short column surmounted by a silver globe upon which stands a silver eagle with outspread wings. This symbol of power is known as the "mace." It rests upon a marble standard when the House is in session, and is taken down when the session closes. In case of disorder in the House, or disturbance among the members, the sergeant-at-arms takes down the mace and moves toward the place of disorder. At sight of the mace every Representative becomes orderly. He knows that this ancient symbol, used for centuries in the Roman Senate, is the symbol of the power of the people of the United States.

The doorkeeper has charge of the room of the House of Representatives.

Each daily session of the House is opened with prayer by the chaplain.

115. Oath of Office.—As soon as the Speaker is elected he is escorted to the Speaker's chair by the member of the House who has served the greatest number of terms—called on that account "the father of the House"—who administers the oath of office to the new Speaker. The Speaker then administers the oath to the new members, who come up before him by States for that purpose. The oath is a solemn promise to support the Constitution and the laws of the United States and to perform the duties of office faithfully, with the help of God. The oath is taken by every member at the beginning of the session. The House is now ready for business, and the Speaker announces the committees he has chosen. The leading committees are—Ways and Means, Banking and Currency,

Appropriations, Commerce, Rivers and Harbors, Foreign Affairs, Railways and Canals, Manufactures, Education, Labor, Patents, Pensions, Claims, Expenditures in the Various Departments, Enrolled Bills, Agriculture and Elections.

116. The Senate.—The Senate of the United States is composed of two Senators from each State, chosen by its legislature for the term of six years. Each Senator has one vote. Several instances are on record of a Senator serving for four consecutive terms.

117. Qualifications of a Senator.—A Senator must be thirty years of age, a citizen of the United States for nine years, and an inhabitant of the State for which he is chosen.

118. Vacancies in the Senate.—If a vacancy occurs in the Senate during a recess of the State legislature, the governor of the State appoints a person to act as Senator until the legislature meets and fills the vacancy.

119. Officers of the Senate.—The officers of the Senate are the President, the secretary, the sergeant-at-arms, the chaplain, the postmaster, the librarian, and the doorkeeper. None of these are members of the Senate.

The Vice-President of the United States, elected by the people, is the President of the Senate, but he has no vote unless the Senate is equally divided. The other officers are chosen by the Senate, and their duties are similar to the duties of corresponding officers in the House of Representatives.

120. Oath of Office.—The Vice-President of the United States, when inaugurated, takes the oath of office, and when he meets with the Senate on the first day of the session he administers the oath to the new Senators, who swear to support the Constitution and the laws of the United States.

121. The President pro tempore.—As the Vice-President may become President of the United States, and as

THE CAPITOL AT WASHINGTON, D. C.

he may sometimes be absent from the Senate chamber, it might happen that the Senate would have no presiding officer. To avoid this difficulty the Senate, on the first day of the session or at such time as it pleases, elects, out of its own body, a president *pro tempore*, who presides when the Vice-President is absent.

122. The Committees.—The committees of the Senate are not appointed by the Vice-President, but by a special committee from the Senate itself. The Senate committees change but little from year to year, and the Senator of the majority party longest on a committee is generally its chairman. The leading committees of the Senate are Commerce, Finance, Foreign Relations, Inter-State Commerce, Judiciary, Executive Departments, Railroads, Immigration, Pensions, Public Lands, and Military and Naval affairs.

123. The Rules.—Each house makes its own rules, is the judge of the elections, returns and qualifications of its own members, and a majority of each house constitutes a quorum to transact business. There are also joint rules agreed to by both houses for mutual convenience.

124. The Journal.—Each house keeps a journal of its proceedings, and publishes it from time to time, except such parts as in its judgment require secrecy.

125. The Session.—Each Congress continues two years and has two sessions. The first session, usually called the "long session," begins on the first Monday in December in the odd years, and continues until adjourned by vote of the two houses. The second session, usually called the "short session," begins on the first Monday in December of the even years, and continues until noon of March 4th following. Neither house during the session of Congress may, without the consent of the other, adjourn for more than three days nor to any other place than that in which the two houses are sitting. The sessions of Congress, except the executive sessions of the Senate, are open

to the public. Each house convenes at twelve o'clock noon, and the daily session usually continues from four to six hours. The flag of the United States is always displayed on the Capitol building when Congress is in session.*

126. Impeachment.—The House of Representatives has the sole power to institute impeachments, and the Senate has the sole power to try impeachments. If the House believes that an officer of the Federal Government should be impeached, it appoints a committee called the "managing committee," which presents the articles of impeachment before the Senate. In case of an impeachment the Senate sits as a court and its members are on oath or affirmation. If the President of the United States is on trial, the chief-justice of the Supreme Court of the United States presides in the Senate. In all other cases the Vice-President or President *pro tempore* presides. It would not be safe to allow the Vice-President of the United States to preside in the trial of the President, because he might be anxious to succeed to the Presidency, and therefore might decide contrary to the evidence presented by the House of Representatives. By constituting the chief-justice of the United States the presiding officer this temptation is removed.

The first case of impeachment before the Senate, that of Senator William Blount in 1799, determined that only "civil officers" under the Constitution can be impeached, and that a United States Senator is not a civil officer. The cases that have come before the Senate since that time are—1803, Judge John Pickering of the District Court of the United States, who became insane, was tried and removed; 1804, Judge Samuel Chase of the Supreme Court

* The first session of the Fiftieth Congress began Monday, Dec. 5, 1887, and adjourned Oct. 20, 1888, being the longest session in our history. The second session began Monday, Dec. 3, 1888, and adjourned March 4, 1889.

of the United States, acquitted; 1830, Judge James H. Peck of the Federal District Court, acquitted; 1862, Judge W. H. Humphries of the Federal District Court, convicted and disqualified from holding any office of honor, trust or profit under the United States, because found guilty of treason; 1868, President Andrew Johnson, acquitted; and 1876, Secretary of War W. W. Belknap, acquitted. A person impeached under the Constitution, and convicted, is liable also to indictment, trial, judgment and punishment according to law. Each house, with the concurrence of two-thirds of its members, may expel a member or otherwise punish him for a breach of its rules.

127. Compensation of Congressmen.—Senators and Representatives are paid $5000 per annum out of the Treasury of the United States. In addition to his salary each Congressman is allowed $125 a year for postage, stationery and newspapers; and *mileage*, which is an allowance of twenty cents a mile for traveling expenses in going to and returning from a session of Congress.

The reason for paying members of Congress from the national treasury is to make them independent of State influences, to enable them freely to consider the interests of the nation and not of their constituencies alone, and to enable men of limited means to become members of the national legislature. If there were no salary, Congress might become a body of wealthy men only, who might ignore the wants of their poorer fellow-citizens.

128. Peculiar Rights of Congressmen.—The national law-makers are amenable to the laws of the country, but except for treason, felony, or breach of the peace* they are privileged from arrest while attending a session of Congress and in going to or returning from a session.

For any speech or debate in either house a Congress-

* A felony is a crime punishable by death or long imprisonment, usually in a State penitentiary. A breach of the peace is a violation of public order amounting to a misdemeanor, and is punishable by fine or short imprisonment.

man cannot be questioned in any other place; he has full liberty of speech, subject to the rules of the house to which he belongs. If Congressmen were not peculiarly protected in this way, they might be detained on false pretences from attending the session of Congress, and if not free to speak and debate in Congress their action would be restricted; outside influences would control the business of Congress, and law-making would become forced legislation.

129. Cannot Hold Two Offices.—While a member of Congress no Senator or Representative can hold any civil office under the Government of the United States, nor can any person holding any civil office under the United States become a member of either house at the same time. A member of Congress may be a State officer, unless the constitution of the State forbids; but a member of the President's Cabinet cannot while a Cabinet officer become a Senator or a Representative. This is unlike the provision prevailing in the British Government, which allows a Cabinet minister to be a member of Parliament. Nor can a member of Congress during his term of service hold an office that he has helped to create, otherwise members might be tempted to make remunerative offices for their own benefit. Another restriction on members of the national and of the State legislatures is against bribery: members found guilty of receiving bribes for political services may be expelled and disqualified from holding office. A member of Congress cannot accept payment from a citizen for any service except for legal services, and for some legal services, such as obtaining a pension, the law provides that he shall receive no pay. He is a public servant. But Congressmen have many pressing public duties, and should not be troubled by applications and personal matters of a trifling nature.*

* THE LOBBY.—Persons interested in obtaining the enactment of laws for their own benefit often frequent legislative halls for the purpose of influencing the votes of legislators. Such influence may some-

130. Titles.—Every member of Congress is addressed as "Honorable," and if the address is written the house to which he belongs is indicated; as, Hon. Thomas B. Reed, M. C.—*i. e.* Member of the House of Representatives—or, Hon. John Sherman, U. S. S.—*i. e.* Member of the Senate of the United States.

131. Revenue Bills.—All bills for raising revenue must originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. A bill for raising revenue is a bill for levying taxes; the Senate may originate a bill which requires the expenditure of money, but the House levies the tax required by that particular bill.

132. How the Laws are Made.—The laws of Congress are made in a uniform manner. If a bill is introduced by a member of the House of Representatives, the Speaker at once refers it to the proper committee.* The member gives the bill to the clerk of the House, who hands it to the clerk of the committee. Each committee has a room for consultation, and there, at the committee's pleasure, the bill is taken into consideration; if the committee delay too long in considering it, the member makes inquiry about his bill. If the committee are favorable to the bill, they report their decision to the House. Reports from standing committees are usually called for at each daily session of the House, and they have precedence over other business, unless some particular business is made the order

times be legitimate, but usually it is pernicious. "Lobbying" is the name given to such influence by way of reproach. Lobbying may become the bribery or the intimidation of legislators, and defeat the very end of good government—the free expression of the will and the welfare of the people.

* Any citizen of the United States may originate a bill and send it to a member of Congress, who introduces it or places it before Congress for its action. Many of the laws made by Congress have their origin in bills presented by request or petition of private citizens. This shows how closely the Government represents the immediate will of the people.

for the day by vote of the House. When the report of the committee is received, the clerk takes the bill as the committee report it, and has it printed for distribution among the members. The bill is read three times by the clerk on three separate days; the House may order the three readings to be all on one day, but if a single member objects it must be read on three separate days. After the second reading it is debated and amendments may be made. The clerk then engrosses the bill, and reads it a third time to the House, when it is voted upon as an entire bill—that is, as it has been amended—and if it receives a majority of votes of all the members, it is passed. The bill is then taken by the clerk to the Senate, to which body the clerk in a formal manner announces that the bill has been passed by the House and that the concurrence of the Senate is desired.

The President of the Senate refers the bill to the committee of the Senate having such bills in charge, by whom it is duly considered and reported to the Senate. The secretary of the Senate reads the bill three times on different days. The Senate may order the three readings on one day, but if a single Senator objects the bill must be read on three separate days. After the second reading it is debated. The Senate may amend by adding to or by taking from the bill as it came from the House. After the amendments are made and additions to the bill are engrossed, the bill is read the third time, and, if agreed to by a majority of all the Senators, it is passed by the Senate.

The secretary of the Senate takes the bill to the House, by which the Senate amendments are debated, and if the amendments are agreed to the bill is passed. In both houses, on the final passage of a bill, the vote must be taken by yeas and nays, and the names of the members and the way they voted must be entered on the journal of each house respectively. When the House has adopted the amendments as made by the Senate, the clerk of the

House so informs the Senate, and the committee of the House known as the Committee on Enrolled Bills causes the bill to be accurately written in large script on parchment. The Speaker of the House signs this enrolled bill, and informs the Representatives of his official action. Again the clerk of the House carries the now enrolled and partially signed bill to the Senate, and declares to that body that the Speaker of the House has signed the bill. The President of the Senate signs the bill, stating the fact to the Senate. The bill is then returned to the House, where it goes to the Committee on Enrolled Bills, who present it to the President of the United States for his signature. If he approves of the bill, he signs it, and sends his private secretary to the House announcing the fact. The President of the United States takes the bill and in person gives it to the Secretary of State, who causes it to be deposited among the archives of the Department of State, first having an accurate copy or copies made of the bill by the public printer. The bill has at last become a law. If the bill originates in the Senate, the Senate takes the initiative in every step of the history of the bill, and the President, having signed it, reports that fact to the Senate instead of to the House. All that now remains is for the President to see that the law is faithfully executed.

If the President of the United States does not approve of the bill, he returns it to the house in which it originated, with a message setting forth his objections to the bill and his reasons for not signing it. If any bill is not returned by the President within ten days (Sundays excepted) after it has been presented to him, the bill becomes a law without his signature, unless Congress by adjournment prevent its return. If he returns the bill unsigned, he is said to *veto* the bill, but if two-thirds of each house repass the bill over the *veto*, it becomes a law without the President's signature. Congress then sends the law to the

Department of State, and the President is bound by his oath of office to see that the new law is "faithfully executed."

State legislatures and city councils make their laws mainly in the same manner as Congress. The veto power of the governor of a State and of the mayor of a city is similar to that of the President of the United States, and the action of the State legislature and the city council on a vetoed bill is similar to that of Congress.

In the making of a law all the purposes of our political machinery are made plain. The convention, the campaign, the election, the induction into office, the oath, the division into political parties, the divisions of the powers of government, the exercise of political rights, are merely for the purpose of making a law. It follows, therefore, that the laws of a people are a complete expression of their civil government.

133. Government by Committees.—The government by Congress is government by committees of the two houses. These committees determine the form and much of the character of all our laws. The debates are a discussion of the reports of the various committees. A committee may send for persons and papers; it hears evidence; listens to pleadings from the advocates and the opponents of measures before it; and its report usually decides the fate of the measure. In the business of legislation, both in Congress and in the States, the committees are the principal factor. By possessing the power to appoint the committees, the Speaker of the House becomes, in many respects, the most influential citizen of the Republic.

CHAPTER VIII.

WHAT CONGRESS MAY DO.

134. Powers Granted to Congress.—The powers granted to Congress by the people have always been a matter of dispute between political parties in this country. One party has favored State rather than congressional legislation, limiting Congress to matters which are strictly of general or national concern. Another party has advocated the transfer to Congress of legislation which might be done by the States, thus favoring congressional rather than State legislation. The subjects of congressional legislation are stated in the Constitution.

135. Taxes.—Congress has power to lay and collect taxes, duties, imposts and excises in order to pay the debts of the United States and to provide for the common defence and the general welfare of the country, but all duties, imposts and excises must be uniform throughout the land. The essential weakness of the old Confederation was the inability of Congress to levy taxes for any purpose whatever. The right to tax is a supreme right which carries with it sovereign power. The Constitution allows Congress to tax in several ways: by a direct tax upon the people, just as a State levies a State tax; by an indirect tax upon the people by the levying and collecting of customs or duties on imports; and by excises or taxes upon home manufactures.

The revenue of the United States at present is derived almost entirely from the duties on imports and from the internal revenue, the latter arising from the taxation on

banks and on the manufacture and sale of alcoholic liquors and tobacco.

136. Public Credit.—Congress may borrow money on the credit of the United States. If a sudden necessity for money should arise, taxation would bring the required money into the treasury but slowly, and the country might be endangered by delay. To avoid this danger, Congress is empowered to pledge the faith of the people and to borrow money at home or abroad. The national debt is a claim against the United States by those persons who have loaned money to the Government. The credit of the United States is so good that the evidences of this debt, called Government bonds, are worth more than their face and are much sought for as an investment.

137. Commerce.—Congress has the exclusive right to regulate commerce with foreign nations, among the several States and with the Indian tribes. No State can refuse to admit the products of another State or levy duties on them. Trade between the people of the United States must be absolutely free.

138. Naturalization.—An alien or foreigner who becomes a citizen of the United States is a naturalized citizen, and acquires all the rights and privileges of a native-born citizen excepting eligibility to the Presidency. Congress alone has the power to pass laws regulating the naturalization of foreigners. A foreigner may become a citizen of the United States, as follows:

1. He must make application for citizenship by declaring his intention to become a citizen of the United States.

2. He must make oath or affirmation that this is his intention, and that he voluntarily renounces all allegiance to the government of which he had heretofore been a citizen. A person cannot be a citizen of two governments at the same time.

3. He must make application for citizenship at least two years before he can receive his final naturalization papers.

4. He must prove before the court that he has resided in this country five years.

5. Any alien of good moral character, of the age of twenty-one years and upward, who has served in the army of the United States and who has been honorably discharged therefrom, may become a citizen on his petition, without any previous declaration of intention, provided that he has resided in the United States for at least one year previous to his application.

The children of American citizens born abroad are American citizens; children of foreigners residing in this country and born here may elect their allegiance.*

139. Bankruptcy.—Congress has power to pass a law by which insolvent debtors may settle their affairs. Four such laws have been passed by Congress: the first in 1800, repealed in 1803; the second in 1841, repealed in 1843; the third in 1867, repealed in 1878; the fourth in 1898. Many of the States have passed bankrupt laws of their own, but a uniform method of settling the affairs of insolvent debtors is preferable to a different method for each State.

140. Money.—Congress alone has the authority to coin money, to regulate its value and the value of foreign coin, to fix the standard of weights and measures, and to provide for the punishment of counterfeiting the coin and the securities of the United States.

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* There are more than fifteen million foreigners in the United States, and the number is constantly increasing. This foreign population contains elements of weakness as well as of strength for the nation; in recent years the immigration has been to a large degree of an undesirable class of foreigners, who do not understand, and who are not in sympathy with, the Government of the people of the United States. Many thoughtful persons have concluded that while all industrious, sound-minded and physically healthy people from foreign lands, who are intelligent enough to appreciate the privileges of American citizenship, are welcome to our shores, yet it is about time to discriminate between the moral and the vicious, the sound and the unsound, who in constantly-increasing numbers are seeking homes in this country.

Counterfeiting the coin of the United States is a felony. Congress in 1864 passed a law against counterfeiting the coin and securities of the United States, and fixed the penalty at a maximum fine of five thousand dollars and imprisonment for not more than ten years. The laws against counterfeiting also protect foreign coin and securities.

141. Weights and Measures.—To aid in fixing the value or price of articles of merchandise it is necessary to have a standard of weights and measures. In Guildhall, the ancient city-hall of London, may be seen several brass strips set in the floor. These strips are the standard lengths for England of the foot, the yard, the fathom and the rod. In the same hall may be found standard weights and measures of volumes. In 1827 the United States Government obtained accurate copies of the English standards, and adopted them as the standards for this country. In 1866 the metric system was made permissive by act of Congress, but it is practically limited in its use to scientific men, and has never become popular.

142. The Mails.—The mails represent vast interests, and require direction and control by a single authority. This authority is vested in Congress. Our common expression, "the United States mail," recognizes this authority. Congress authorizes the creation of mail-routes and opens post-roads, a term that a century ago, before the introduction of railroads, signified much more than at present. The post-road has disappeared with the post-boy, and most mail matter is now carried in mail-trains.

143. Science and Art.—Congress appropriates large sums of money to promote the progress of science and to undertake costly enterprises for the benefit of the people. It has equipped numerous exploring expeditions for the purpose of ascertaining the best commercial routes over the ocean; expeditions to observe transits of the planets and eclipses of the sun; commissions to study the methods of increasing and preserving natural foods,

such as the oyster in our bays and the fish along our coasts and in our lakes and rivers. The fish commission, the life-saving service, the lighthouse service, the inspection of steam- and of sailing-vessels, the enforcement of quarantine regulations, and the organization of commissions to investigate questions of grave public interest, such as the cause and the control of pestilences and epidemics, are illustrations of the measures taken by Congress to promote the progress of science. The principal scientific institution supported by Congress is the Smithsonian Institution.*

To promote the progress of science and useful arts authors and inventors for a limited time have the exclusive right to their writings and discoveries. Congress alone can pass laws for their protection, which are known as the laws of copyright and of patents.

144. Copyrights.—An author may copyright a book, map, engraving, photograph, chart or musical composition, and thereby obtain the exclusive right to print, publish and sell such a production for twenty-eight years, with the privilege of renewing the right for fourteen years longer, or forty-two years in all. Copyrights are secured through the librarian of Congress, Washington, D. C.

145. Patents.—Patents are issued for four classes of inventions—arts, machines, manufactures and compositions of matter. The patent gives the inventor the exclusive right of making and selling his invention for the period of seventeen years, at the expiration of which time the patent may be renewed by any improvement in the

* The Smithsonian Institution at Washington, D. C., was organized by act of Congress in 1846, in accordance with the will of James Smithson, an Englishman who bequeathed half a million dollars to the United States "to be devoted to the increase and diffusion of knowledge among men." The institution is controlled by the Federal Government, and possesses a spacious building with museums, libraries, lecture-rooms and laboratories. It publishes valuable works in various departments of science, and distributes scientific collections all over the world. It takes the lead in scientific work in the United States.

invention. Since 1790 more than three hundred thousand patents have been issued by the Patent Office, and the number now granted yearly is about twenty thousand. Applications for patents are made to the Commissioner of Patents, Washington, D. C.

146. International Copyright.—The authors of England and America, as early as 1819, sought to have Congress and Parliament pass international copyright laws. The writings of an English author were republished in America, and those of an American author were republished in England, without the author's consent and without remuneration to him, unless by the courtesy of the publisher. In 1837, Henry Clay presented a petition from British authors asking for copyright protection. Repeated efforts to procure such legislation were in vain until the passage of the act of Congress of March 4, 1891, which gives to authors, whether native or foreign, the exclusive control of their own works, provided that their books are printed in the United States from type set in this country.

147. Inferior Courts.—Congress, having the power to create courts inferior to the Supreme Court, has constituted the United States Appellate Courts, the United States Circuit Courts, the United States District Courts, the United States Court of Claims, the Court of the District of Columbia, Territorial Courts and Consular Courts.

148. Piracies.—Piracy was more common a century ago than now, because all civilized countries have united to clear the seas of such offenders. Piracy is a crime, and its definition and punishment are determined by the laws of Congress. The chief piracy of modern times is the slave-trade, which still maintains its stealthy and wicked course between Africa and slave countries.

149. War.—Congress alone can declare war against any other power and grant letters of marque and reprisal, which are commissions granted by Congress authorizing

seizures on the high seas of property belonging to a public enemy. As the action partakes somewhat of the nature of piracy, letters of this kind are seldom granted by modern civilized nations.

150. The Army and Navy.—Congress has power to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces. No appropriation of money for military and naval purposes can be made for a longer term than two years.

Abuses in government generally arise from the unlawful use of the military power of the State. Our Constitution carefully guards against such danger by placing the creation and the support of the army and navy in the hands of Congress, and by limiting their support to two years. The long experience of England led to this provision in our Constitution. In practice the appropriations for the army and navy are made annually.

151. The Militia.—The male citizens of the States, between the ages of eighteen and forty-five years, are subject to service in the State militia unless exempted by law. The organized militia constitutes the National Guard, which is trained by State officers according to the military system approved by Congress. The geographical position of the United States and its form of government free the country from the burden of a large standing army so common in European countries. Sometimes trained soldiers are needed to assist the civil authorities in suppressing riots. The National Guard is always ready for such service, and constitutes an army of defence quickly called into action. The State militia may be called into the service of the United States, in which case it is subject to the orders of the President and is cared for by Congress like the regular army.

152. The District of Columbia.—Congress has exclusive control of the District of Columbia: the civil govern-

ment of the District is vested by act of Congress of 1878 in three commissioners, two of whom are appointed by the President, with the consent of the Senate, for three years, and the third is an officer of the army belonging to the engineer corps, detailed by the President for this service. The expenses of the District government are equally divided between Congress and the people of the District. Inhabitants of the District of Columbia cannot vote.

153. New States and Territories.—Congress organizes the Public Domain into Territories, makes laws for their government and admits new States into the Union at its discretion. For many years the admission of States was in pairs to preserve in Congress the balance of political power between the free and the slave States. Since the abolition of slavery Congress has generally admitted new States as rapidly as the territorial population permitted, but under the influence of party political feeling the admission of a new State has sometimes been unduly delayed.

154. The Supreme Power of Congress.—Congress is empowered by the Constitution to make all laws necessary for carrying into execution the powers vested by the Constitution in the Government of the United States or in any department or officer of the Government.

The clause of the Constitution granting this supreme power has long been called "the sweeping clause," and is often quoted as authorizing Congress "to do anything and everything." The clause means that Congress may pass any "necessary law" "for the complete and efficient execution" of its powers. Louisiana was bought in 1803, the Mesilla Valley was purchased in 1853, and Alaska in 1867, although the Constitution contains not a word empowering Congress to buy territory.

But in order that Congress may not abuse its powers the Constitution plainly sets forth certain limitations to its authority which distinctly declare what Congress may not do.

CHAPTER IX.

POWERS DENIED BY THE PEOPLE TO CONGRESS AND TO THE STATES.

155. Rights of the People.—The Constitution provides that the enumeration of certain rights granted to Congress shall not be construed to deny or disparage other rights retained by the people. This means that the people keep to themselves all rights and powers that they have not granted to Congress. State legislatures are limited in the same manner. The long struggle of five centuries and more in England and in this country for the realization of rights has taught men to prize them so highly as not to endanger them by allowing even the representatives elected by the people to exercise certain of them. The Constitution declares that these are "retained by the people."

156. Personal Liberty.—The privilege of the writ of *habeas corpus* cannot be suspended unless when, in case of rebellion or invasion, the public safety may require it. Congress cannot interfere with the personal liberty of a citizen except as a punishment for crime. Several State constitutions declare that the writ of *habeas corpus* shall never be suspended by the State.* Illegal imprisonment was one of the chief complaints against King John.

157. Bills of Attainder—Ex Post Facto Laws.—Congress cannot pass any bill of attainder or *ex post facto* law. A bill of attainder in English legislation was the extinction of the civil rights of a person who had been executed

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* See ¶ 61, p. 32.

for treason or felony, so that his legal heirs could not inherit his estate, but it was forfeited to the Crown.

The Supreme Court of the United States has said that "an *ex post facto* law is one that creates or aggravates crime, or increases the punishment, or changes the rules of evidence for the purpose of conviction." If a person commits a crime, he may be punished according to the law existing at the time of its commission. The penalty for counterfeiting the coin of the United States is a fine not exceeding five thousand dollars and imprisonment for a term not exceeding ten years. If a man is convicted under this law, Congress cannot pass a law changing his punishment, for that would be fixing the penalty after the deed is done, or an *ex post facto* law. A person has the right to know what consequences follow his acts before he commits them.

158. Proportional Taxation.—The census taken every tenth year enumerates the people. If Congress lays a direct tax upon the people, the tax must be proportional to population. A direct tax is a tax on land or a poll tax. A tax of one dollar a head on every citizen of the United States would be a direct proportional tax, but a land-tax of one dollar an acre on every acre of land in the United States, while it would be a direct tax, would not be a proportional tax, because land has not the same value all over the country. A tax of one dollar an acre in South Carolina or Texas would be a higher tax than a tax of one dollar an acre in New York or Pennsylvania, where land is of greater value per acre than in the two Southern States mentioned. Congress has frequently levied direct taxes.

159. Internal Trade Free.—Congress cannot levy a duty or excise upon the internal trade and commerce of the country. To a citizen of the United States all internal trade must be free. States cannot collect customs.

160. Impartial Laws of Commerce.—Congress can

pass no law that gives a preference to the ports of one State over those of another. Vessels to or from one State cannot be obliged to enter, clear or pay duties in another State.

161. Paying Out the People's Money.—The annual expenditure of money by Congress for the expenses of the United States Government amounts to many millions of dollars. (*See note page 140.*) Before any of this money can be paid out Congress must pass an act expressly authorizing the expenditure. Extreme care is necessary in public financiering lest public money be lost or wasted. Congress has no right to squander the people's money. An appropriation bill is made with great attention to detail, for the treasurer of the United States pays out money exactly as provided in the appropriations made by Congress.

162. Titles of Nobility—Gifts.—Republican simplicity and equality are characteristic of our entire Government. Both Congress and the States are forbidden to grant any title of nobility either to a citizen of the United States or to a citizen of any other country. We believe that all men are created free and equal, and the citizen of the United States enjoys the highest nobility in possessing this freedom and equality. Nor can any person holding an office of trust or profit under the United States accept any gift or title or emolument of any kind whatever from any king, prince or foreign state without the consent of Congress. An Eastern prince once presented to President Van Buren some beautiful jewels, but he could not receive them, and they still lie in the treasury of the United States.

163. Freedom of the People.—Congress is forbidden to make any law—

1. Respecting the establishment of religion or prohibiting its free exercise;
2. Abridging the freedom of speech;
3. Abridging the freedom of the press;

4. Abridging the right of the people peacefully to assemble;

5. Abridging the right of petition.

Every person in this country may worship God according to the dictates of his own conscience, being responsible for the consequences of his actions and beliefs if they affect the peace of society. Any person may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of such right; the abuse is called a libel.

In 1875 the United States Supreme Court decided that "the right of the people peaceably to assemble for the purpose of petitioning Congress, or for anything else connected with the powers and duties of the national Government, is an attribute of national citizenship, and as such is under the protection of, and guaranteed by, the United States." Old English law forbade "tumultuous petitioning," but Congress is forbidden to pass any law which will hinder the people from freely assembling. Arbitrary governments, like the absolute Russian monarchy, forbid the people to hold political meetings.

164. Right to Bear Arms.—The carrying of concealed weapons is forbidden by law, but Congress cannot pass laws forbidding the people to keep and bear arms. This restriction refers primarily to the right of the people to constitute a militia for the defence of their rights. Our regular army is very small; the defence of our rights is secured by the retained military right of the people. Congress can declare war and call out the militia for the public defence, but it cannot take the right to self-protection away from the people.

165. Householders' Rights.—Congress prescribes the rules and regulations of the army or empowers military officers to do so; but "the citizen's house is his castle," and in time of peace soldiers cannot be quartered in any house without the owner's consent, nor in any time of war

save in the manner prescribed by law. Congress must respect the home-rights of every citizen.

166. Personal Security.—The personal security of citizens is protected by the laws of Congress. No law can be passed by any legislative body in this country impairing that security by permitting unreasonable searches and seizures or arrests without warrant. This common-law right of the citizen is very ancient, and has grown and strengthened with the growth and strength of political rights in this country and in England. Every citizen has the right to demand the authority by which any official act is done.

167. Private Property.—Private property cannot be taken for public uses without just compensation. Sometimes private property is needed for the public welfare; in such a case, if the owner is unwilling to sell his property, commissioners or appraisers are appointed, whose duty it is to estimate the "just compensation" for the property, and the owner is compelled to accept the amount found by the commissioners. This right of Government is known as the "right of eminent domain," and may be exercised by the United States, by the State, the county, the city, and by corporations to which the right has been granted by the State.*

168. Trial by Jury.—Congress can pass no law impairing the right of the citizen to an impartial jury trial which shall be speedy and public. All the rights confirmed to the people by the common law, such as the right of a person to be informed of the accusations against him, the right to self-defence or by counsel, and the right to summon witnesses, can be protected, but not impaired, by Congress or by any other legislative body. In suits at common law where the value in controversy exceeds twenty dollars the right of trial by jury is preserved, but cases in which

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* See ¶ 33, p. 20.

the value in dispute is not over one hundred dollars are usually tried before a justice of the peace without a jury.

169. Fines and Punishments.—Neither Congress nor the State can pass any law requiring excessive bail, imposing excessive fines or inflicting cruel and unusual punishments. This right of the people to humane laws is of highest importance. The object of law is to reform the criminal as well as to punish him. Inhuman laws always fail to reform criminals or to deter them from the commission of crime. It is a principle of criminal law that the certainty rather than the degree of the punishment is the best preventive of crime.

170. The Franchise.—Slavery was abolished in the United States by the Thirteenth Amendment, declared in force December 18, 1865. By the Fifteenth Amendment the right of the citizen to vote cannot be denied or abridged by the United States or any State on account of race, color or previous condition of servitude. This amendment was declared in force March 30, 1870. The right to vote comes from the State, not from the United States.

171. Republican Form of State Government.—Congress guarantees to each State a republican form of government and protection against invasion. If the legislature of the State, or the governor when the legislature cannot be convened, applies to the Government of the United States for protection against domestic violence, as in the case of a riot, such as occurred in Pittsburgh, Pennsylvania, in 1877, the United States Government must comply with the request.

172. Obligation of Contracts.—No State can pass any law impairing the obligation of contracts. The law of the obligation of contracts covers nearly all the civil cases before the American courts, and the principle is of the widest application in our institutions. The protection of all our rights, industrial, political, social and moral, is im-

plied in the obligation of contracts. A contract is an agreement between two or more parties, qualified to contract, to do or not to do a particular thing. If two or more persons of the age of twenty-one or more, of sound mind, and without restraint or compulsion, actually contract to do or not to do a certain thing, they are bound by the contract, and the laws of the United States will compel them to perform their legal contracts or suffer the consequences of non-performance.

173. Powers Denied the States.—No State can enter into any treaty, alliance or confederation; grant letters of marque or reprisal; coin money; issue bills of credit;* make anything but gold or silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or grant any title of nobility.

The limitations on the States illustrate the supremacy of the United States over the States.

174. State Powers if Congress Consent.—No State, without the consent of Congress, can lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States; and all such laws are subject to the revision and control of Congress.

No State, without the consent of Congress, can lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with any foreign power, or engage in war unless actually invaded or in such imminent danger as will not admit of delay.

These restrictions on the States mean that Congress

* By "bills of credit" is meant paper money, or promises to pay, issued by a State in such a way as to be used as a substitute for money. The phrase is not intended to prevent a State from borrowing money and giving its bonds for the obligation.

alone can regulate the commercial interests of the people of the United States, maintain an army and navy, make treaties or alliances with foreign States or declare war. There cannot be two sovereign powers exercising these rights in the United States.

175. The Relation of the Federal Government to the State Governments.—" The Government proceeds directly from the people. When thus adopted by them the Constitution was of complete obligation and bound the State sovereignties. The Government of the Union is emphatically and truly a government of the people. The Government of the Union, though limited in its powers, is supreme within the sphere of its action. Its laws, when made in pursuance of the Constitution, form the supreme law of the land. . . . The Government of the Union and those of the States are each sovereign with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other."*

* Chief-Justice Marshall.

CHAPTER X.

THE PRESIDENT OF THE UNITED STATES.

176. The President of the United States represents the unity, the power and the purpose of the nation. He is the executive officer of the Federal Government. His office is the highest in the power of the people to bestow.

177. Qualifications.—No person except a natural-born citizen is eligible to the Presidency. He must be thirty-five years of age and a resident within the United States fourteen years. He is elected to serve for four years.

A person of foreign birth might be subject to foreign influences. Tenure of office for life or for a very long term would tend to a monarchy.

178. His Election.—The President is chosen by the Electoral College, which is composed of Presidential electors elected in the several States. Each State has as many Presidential electors as it has Senators and Representatives in Congress, and each elector has one vote. No Senator or Representative or person holding an office of trust or profit under the United States can serve as a Presidential elector. The purpose of this restriction is to provide an Electoral College free from Federal influence. Each political party in the State nominates its own Presidential electors, who are morally bound, if elected, to vote for the Presidential candidate of the party. The people elect the Presidential electors on the Tuesday next after the first Monday of November in the year of the Presidential election. The first Presidential election was in 1789. Soon after election day it is known what electoral ticket, and consequently what Presidential candidate, has been elected.

179. The Electoral College.—But the choice of a President is not made until three more steps have been taken. On the second Monday in January the Presidential electors meet in their respective States, usually at the capital of the State, and vote by ballot for President and Vice-President, one of whom at least cannot be an inhabitant of the same State with themselves. When the vote has been counted three lists are made of all the persons voted for as President and Vice-President, and the number of votes which each received. These three lists are certified to and signed by all the electors and sealed. One list is deposited with the United States district court judge of the district in which the electors meet. The other two lists are sent to the president of the Senate at Washington, one by mail and one by special messenger.* The sealed vote of the Electoral College of each State is called "the return." As soon as the Electoral College has sent in the return its duty is done and it ceases to exist. The college is simply the registering-machine of the popular vote.

180. Counting the Votes.—On the second Wednesday in February the sealed votes received by the president of the Senate are opened by him in the presence of the two houses of Congress, and the votes are counted. The person who has a majority of all the votes cast for President is declared to be duly elected President of the United States, and the person who has a majority of all the votes cast for Vice-President is declared to be duly elected Vice-President of the United States.

181. Election by the House.—If no person has a majority of the votes for President, then from the three highest on the list of those voted for as President the House of Representatives proceeds immediately, by bal-

* If the two lists from the Electoral College of each State fail to reach the president of the Senate by the fourth Monday in January following the election, he may send for the list deposited with the district court judge.

lot, to choose a President. In an election by the House the voting is by States, a majority of the Representatives from each State constituting the one vote of the State. A quorum for this purpose consists of a member or members from two-thirds of the States, and a majority of all the States is necessary to a choice. If the House of Representatives fail to choose a President, whenever the right of choice devolves upon it, before the fourth day of March next following, then the Vice-President acts as President, as in the case of the death or other constitutional disability of the President. Thomas Jefferson (1801) and John Quincy Adams (1825) were elected by the House of Representatives.

182. The Vice-President.—As the Vice-President may become President, his qualifications are the same as those of the President. Should the Electoral College fail to elect a Vice-President, the choice of the Vice-President devolves upon the Senate, in which case the Senate must have a quorum of two-thirds of the whole number of Senators, and a majority of the whole number is necessary to a choice.*

183. A Minority President.—The Presidential electors from any one State are not obliged to vote as a unit; each elector represents the party that chooses him. The State of New York has thirty-six electors. They may represent several parties: there may be electors representing the Republican party, the Democratic party, the Prohibition

* As the President represents the nation, and is chosen indirectly by the people, it is a wise provision of the Constitution that in case the Electoral College fail to choose a President the choice of a President should be made by that branch of the national legislature which more closely represents the people—namely, the House of Representatives. The choice of the Vice-President is wisely left, in case the Electoral College fail to choose that officer, to the Senate of the United States, over which body the Vice-President is to preside. As the Vice-President succeeds to the Presidency only by accident, it is just that the Senate should be permitted to select its own presiding officer.

party, the Labor party or any other party. Other States may be similarly divided. The Electoral College thus may have Democratic electors, Republican electors, Labor-party electors and Prohibition electors. Electors of the same party in the different States vote for the same candidates. The greater the number of candidates, the greater the risk that the Electoral College will fail to choose a President.*

The majority in the Electoral College has failed so often to represent the majority of the popular vote that many attempts have been made to amend the Constitution and change the method of electing the President; but as yet no device has been found better than the cumbersome Electoral College. The idea of such a college grew out of the distrust of the people at the time of the making of the Constitution. It was then thought that electors chosen by the people would be less likely to err in selecting a fit person for President. But the practice of political parties has reduced the Electoral College to a mere registering-machine, and every Presidential elector votes for the candidate nominated by the national convention of his party.

184. The Presidential Succession.—In case of the removal of the President from office, or of his death, res-

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* In 1861, the Electoral College stood as follows: for—

Lincoln,	180,	representing	17	States and	1,866,352	popular votes,
Breckinridge,	72,	"	11	"	845,763	"
Douglas,	12,	"	2	"	1,375,157	"
Bell,	39,	"	3	"	589,581	"

Thus, although Abraham Lincoln received 180 electoral votes, he did not receive a majority of the popular vote: he received more electoral votes than his three opponents together; and they together received more popular votes than he. A president who fails to receive the majority of the popular votes is called a minority President.

The minority Presidents have been J. Q. Adams, 1825; James K. Polk, 1845; Zachary Taylor, 1849; James Buchanan, 1857; Abraham Lincoln, 1861; R. B. Hayes, 1877; James A. Garfield, 1881; Grover Cleveland, 1885; Benjamin Harrison, 1889.

ignation, or inability to discharge the powers and duties of his office, the office devolves upon the Vice-President. Four times in our history the Vice-President has succeeded to the Presidency:

John Tyler upon the death of President Harrison in 1841; Millard Fillmore upon the death of President Taylor in 1850; Andrew Johnson upon the assassination of President Lincoln in 1865; Chester A. Arthur upon the assassination of President Garfield in 1881.

At the time of President Garfield's death and the succession of Vice-President Arthur to the Presidency, Congress was not in session. No president of the Senate *pro tempore* had been chosen before the adjournment of Congress, and consequently, had President Arthur died or become incapable of exercising the duties of his office, the country would have been without a President. Congress soon assembled, a president of the Senate was chosen, and, later, a law was passed prescribing the succession to the Presidency should an occasion ever arise demanding it. In case of the death of both President and Vice-President, or of the removal, resignation, or inability of both of them, the Secretary of State acts as President; in case of the removal, death, or resignation or inability of the Secretary of State, the Secretary of the Treasury acts as President, and, in their order, the office passes to the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior.* This law was passed in January, 1886, and will have the effect, if ever practically carried out, of continuing in power the political party that chose the last President duly elected, by placing the executive powers of the Government in the hands of the men whom the President had chosen to assist him in the administration of affairs.

185. Inauguration Day.—On the 4th of March of each

* The office of Secretary of Agriculture was not created until after the enactment of the present law providing for the presidential succession.

fourth year the President and Vice-President elect are formally invested with their respective offices. The essential part of the inauguration is the oath of office, which is administered to the President elect by the chief-justice of the United States before a vast concourse of citizens. The oath is as follows: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." The Vice-President takes the oath a few moments before in the presence of the Senate of the United States. Usually there is a display of military and other organizations from various parts of the country. The new President pronounces his inaugural address from the eastern steps of the Capitol. This address outlines the new President's policy or his ideas of the administration of the Government.

186. The White House.—After the inauguration the President is driven to his official residence, the executive mansion, popularly known as the White House. Here he receives deputations of citizens, foreign ambassadors, members of Congress and of other departments of the Government.

187. The President's Salary.—Until 1873 the annual salary of the President was $25,000, but it was thought at that time that this amount was not sufficient to meet the demands made upon the President during his official life. It was increased to $50,000, but this sum is small when compared with the amount paid to the rulers of other civilized lands. This salary cannot be increased nor diminished during the period for which the President is elected, and he cannot receive, while President, any emolument from the United States or from a State. A custom has long prevailed that the President cannot receive any gift from any civil body, such as a city council or a legislature, or a foreign state. The Vice-President receives $8000 annually,

and, as in the case of the President, he draws his salary in monthly instalments from the United States treasury.

188. The President Accessible.—Although the President is the ruler of a mighty nation and is burdened with responsibility and official duties, he is easily reached by the humblest citizen. Unlike the rulers of foreign lands, who are hedged about by ranks of officials both civil and military, our chief magistrate frequently meets the people at public or at private receptions. The death of two of our Presidents by assassination has led many to believe that the President of the United States should be protected by a guard. The President is constantly sought by persons soliciting appointment to office. In order to relieve the President from the crowd of officeseekers, and also to secure competent public servants in the lower grades of administrative offices, the greater number of Government employés in clerical positions are appointed by the heads of the executive departments, with the approval of the President.

189. Duties of the President.—All the duties of the President are summed in the language of the Constitution: "He shall take care that the laws be faithfully executed."

190. Powers of the President.—The President is commander-in-chief of the army and navy of the United States, and of the militia of the several States when it is called into the national service. He is not obliged to take command of the national forces in person, but may place them under command of such officers as he may choose.

He has power to grant reprieves and pardons, as well before trial and conviction as afterward, for offences against the United States, except in cases of impeachment. The exception of impeachment cases is taken from the custom in England, where the king's pardon cannot be pleaded in case of impeachment before the House of Commons.

He has power, by and with the consent of the Senate,

to make treaties with foreign states, provided two-thirds of the Senators present concur.

He nominates, and by and with the consent of the Senate he appoints, ambassadors, other public ministers, consuls, judges of the Supreme Court, and all other officers of the United States whose appointment is not otherwise provided for by law.

He has power to fill all vacancies in Government offices that may happen during the recess of the Senate by granting commissions which shall expire at the end of the next session. In 1831, President Jackson during a recess of the Senate appointed Martin Van Buren minister to England, but the Senate refused to confirm the appointment, and Mr. Van Buren, who had already gone to the court of St. James, was compelled to return.

He has power on extraordinary occasions to convene both houses of Congress or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he thinks proper, but not for a longer time than the day fixed for the assembling of the next session of Congress.

He appoints the members of his own Cabinet, who compose the heads of the executive departments, and he may require of them at any time an opinion in writing upon any subject relating to the duties of their respective offices.

He receives ambassadors from foreign powers and other public ministers, and commissions all the officers of the United States.

191. Removal from Office.—The President, the Vice-President and all civil officers of the United States are subject to removal from office on impeachment for and conviction of treason, bribery or other high crimes and misdemeanors.

192. The President's Message.—In his annual message, when Congress assembles, the President gives to that body "information of the state of the Union." In this

message he reviews the history of the year, comments upon events, makes suggestions concerning legislation, and expresses his opinions on such subjects as he thinks proper. At any time he may send to Congress a special message directing attention to matters requiring immediate consideration.

193. The President as Law-maker.—The President is an essential part of the law-making power under the Constitution, and signs or vetoes all bills and resolutions passed by Congress, except a resolution to adjourn.

194. The President as Politician.—He is elected by a political party for the purpose of carrying out party principles of government. His term of office is known politically as an administration. He is the head or leader of his party, and usually makes all official appointments out of his own party. The number of appointments he can make is about one hundred and fifteen thousand; sometimes these men use their personal and official influence to re-elect the President who appointed them to office, but the spirit of our institutions is against such action.

195. Rules of the Executive Mansion.—The Cabinet meets on Tuesdays and Fridays. Mondays are reserved by the President for the transaction of public business requiring his uninterrupted attention. Senators and Representatives in Congress have access to the President on all days, except when he holds a Cabinet meeting. Other persons are received by him at designated hours, except on Mondays and Cabinet days. Those having no business, but who desire simply to pay respect to the President, are received by him in the East Room at a designated hour on Mondays, Wednesdays and Saturdays.

196. The President as the Head of the Nation.—The President is the only Federal officer who is directly responsible to the nation for the administration of the Government. He is President of the whole country, and

should be above the biassed prejudices of the mere political partisan. He is the nation's man, and not a party man. If he fails to rise to the lofty plane of national duty, he sinks into the obscurity of the mere candidate for office and the distributer of the spoils of office. The burden of his responsibility is too heavy to be borne long, and Washington set the example of retiring from the Presidency at the close of a second term. It has often been said that responsibility makes men serious; the responsibilities incident to the office of President of the United States have called into exercise noble qualities from all our Presidents. From the excitement of the campaign to the cares of the White House is a transformation likely to change the leader of a party into the head of the nation.*

* For Table of Presidents of the United States, see p. 212.

CHAPTER XI.

THE EXECUTIVE DEPARTMENTS.

197. The Executive Departments.—The executive business of the Federal Government is committed to eight departments, each of which has for its chief officer a Cabinet minister appointed by the President by and with the consent of the Senate. The departments, in the order of their creation by act of Congress, are—

The Department of State, July 27, 1789;
The Department of War, August 7, 1789;
The Treasury Department, September 2, 1789;
The Post-Office Department, May 8, 1794;
The Department of the Navy, April 30, 1798;
The Department of the Interior, March 3, 1849;
The Department of Justice, originally provided for September 24, 1789, in charge of the Attorney-General, and created under the present organization June 22, 1870;
The Department of Agriculture, February 12, 1889.

Each member of the Cabinet is in political accord with the President and receives an annual salary of $8000. He holds his appointment at the will of the President, and is directly responsible to him for the management of the department of which he is the principal officer. The President is responsible to the people of the United States for the conduct of business in all the departments.*

* The Cabinet meets at the executive mansion at the direction of the President, who presides over its consultations and directs them. Its proceedings are not recorded, and it has no legal authority as a body.

198. The Department of State.—Of the executive departments created by Congress, the Department of State, which outranks the others, was the first in operation. It is presided over by the Secretary of State. He is the single officer in our Federal Government who is empowered to communicate with other Governments in the name of the President of the United States. He corresponds with the official representatives of the United States in foreign countries and issues instructions for their guidance. He has charge of treaties and negotiates new ones; he keeps the archives of the United States and publishes its laws, or causes them to be published, together with treaties, Presidential messages, proclamations, resolutions, etc. He keeps the great seal of the United States and affixes it to official papers. He issues and records all passports, and he reports to Congress at stated times the relations between foreign countries and the United States. He has three assistants, known as the First, Second, and Third Assistant Secretary of State.*

199. The Diplomatic and Consular Service.—The foreign relations of the United States and of its people are entrusted to two sets of officials—one, the American ministers abroad, who represent our Government in a political capacity; the other, the American consuls abroad, who represent commercial interests, and chiefly the interests of

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As its action is merely advisory, the President is not bound by the judgment of the Cabinet, and its members as heads of executive departments may disregard the advice of the Cabinet and assume the responsibility of individual action.

* The list of Secretaries of State begins with Thomas Jefferson, appointed by President Washington September 26, 1789, and contains some of the most distinguished names in our civil history. Jefferson, Madison, Monroe, J. Q. Adams, Van Buren and Buchanan served each as Secretary of State before election to the Presidency, and John Marshall, the great chief-justice, Henry Clay, Daniel Webster, John C. Calhoun, Edward Everett, Jeremiah S. Black and William H. Seward were once at the head of this department.

Americans as individuals. The duties of the diplomatic and of the consular services are never confused. The American minister cannot represent or engage in commercial interests; the consul cannot represent or engage in political affairs. Our diplomatic agents are of four grades:

1. Ambassadors;
2. Envoys extraordinary and ministers plenipotentiary;
3. Ministers resident. These three grades of the diplomatic service are accredited by the President to the head of Government of the countries to which they are sent.
4. *Chargés d'affaires* commissioned by the President, but accredited by the Secretary of State to the minister of foreign affairs of the Government to which they are sent. In some cases a *chargé d'affaires* is entrusted with the representation until the duly-accredited minister has assumed his official duties.

The duty of diplomatic agents is to carry out the instructions which come to them from the President through the Secretary of State. They aid in carrying out the President's foreign policy by negotiating such treaties and international agreements, and securing such international relations, as in the judgment of the President seem conducive to the welfare of the United States. By the law of nations foreign ministers enjoy many rights and privileges peculiar to the dignity of their office. They are assisted by secretaries of legation and interpreters.

Our commercial relations with the people in foreign lands are entrusted to the American consuls, each of whom resides in the principal city of a consular district into which foreign countries are divided. The officers of the consular service are more numerous than those of the diplomatic service. The duties of consuls are various. The Department of State cannot attend to the private business of American citizens, but the individual citizen may employ the American consul to transact any private

business he may have abroad. The consul may administer oaths, take testimony, administer on the estates of Americans dying abroad and send home the proceeds of their estates to be distributed to the legal heirs. Our consuls also secure valuable information relating to commerce, manufactures and agriculture, which they convey to our Government, by which it is given to the American people. In Japan, Turkey and China any American citizen charged with crime is tried by the American consul. To the consuls are entrusted the interests of American seamen and American shipping. The consul keeps a register of all American ships entering his port, the tonnage of each ship, the nature and the value of each cargo, the number and the condition of the seamen. To the consul the seaman may apply for the protection of his legal rights, and the destitute mariner is entitled to receive relief from the consul at the expense of the Government of the United States. But only seamen are entitled to such aid: they may be sent home or cared for in a foreign land until able to help themselves. The chief duty of a consul is to see that the commercial laws of the United States are enforced. These laws or agreements are negotiated by the diplomatic agents of the United States.

200. The Treasury Department.—The Treasury Department was organized by Alexander Hamilton, and has grown into a department difficult to understand on account of its complex interests. The Secretary of the Treasury must be a man who is not directly interested in trade or commerce. President Grant nominated the merchant prince A. T. Stewart for this Cabinet position, but the Senate refused to confirm him and refused to change the law that disqualified him from holding the office. The secretary is required to suggest plans for creating revenue and maintaining the credit of the United States; to determine the manner in which the financial business of the Government shall be conducted; to acquaint Congress,

when called upon, with any information obtainable in his department; to superintend the collection of the revenue; and to give warrants or orders for all moneys paid from the Treasury in accordance with the appropriations made by Congress. The chief business of the Treasury Department since 1861 has been the management of the national debt.

England has a national debt about five times as great as ours, and employs the Bank of England to manage it; but in our own country the Secretary of the Treasury has this important responsibility. He has the superintendence of the coinage of money, of the national banks, of the customs and the custom-houses, of the lighthouse system, of the coast survey, of the inspection of steam vessels, of marine hospitals and of the life-saving service.* He is aided by two assistant secretaries and numerous clerks.

The millions of money belonging to the people of the United States are entrusted to the treasurer of the United States, and are kept in strong vaults made for the purpose.†

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* **The Life-Saving Service** is composed of a general superintendent, assistant general superintendent, inspectors, district superintendents, a board on life-saving appliances and the keepers and crews of stations. The service is designed to assist vessels and seamen in danger of being wrecked. There are 264 stations in commission—192 on the Atlantic coast, 15 on the Pacific, 56 on the lakes, and 1 at the Falls of the Ohio River, Louisville, Ky. Since the organization of the service, in 1871, to June 30, 1898, disasters have occurred to 10,448 vessels within the scope of its operations, having on board 81,245 persons, of which number, 80,400 were saved, and only 845 lost; and of more than $161,000,000 of shipping property, including cargoes, involved, nearly eighty per cent. was saved. This is one of the most useful branches of work undertaken by the Government, and is worthy of more aid and encouragement from Congress than it has hitherto received.

† The business of the Treasury Department is audited by six auditors. The first auditor has charge of all accounts in the civil service, the public debt, the expenses of Federal courts, and the custom-houses. The second auditor examines the army accounts (with some exceptions)

201. The War Department.—The Secretary of War, under the direction of the President, has charge of the

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and settles all accounts with the Indians. The third auditor settles all accounts of the engineer corps, pensions, war claims, etc. The fourth auditor examines all accounts of the navy. The fifth auditor is in charge of the accounts with the internal revenue, State Department, diplomatic service, and the census. The sixth auditor examines the accounts of the postal service.

The auditors' accounts are re-examined by the comptroller of the Treasury, and the commissioner of customs revises all accounts of the revenue and of the marine service.

The register of the Treasury has control of the account-books of the United States. These books show the exact financial condition of the Government at any time. His name may be seen upon bonds and United States notes.

The comptroller of the Treasury is in charge of the national banking system. The office was created in 1863.

The director of the mint has charge of all mints and assays, and reports to Congress from time to time concerning the yield of the precious metals, etc.

The commissioner of internal revenue supervises the collection of all duties and taxes levied by Congress. The States and Territories are divided into eighty-two internal revenue districts.

The solicitor of the Treasury has charge of all prosecutions by the Government for the infringement of revenue laws, for counterfeiting and other crimes committed against the financial interests of the country.

The chief of the bureau of statistics reports yearly on the trade and commerce of the country, and, when directed by Congress, examines and reports on the industrial problems in which the nation is interested.

The superintendent of the coast and geodetic survey has charge of the survey of the coasts and rivers of the United States, and publishes charts, tide-tables and sailing directions.

The remaining officers are the supervising surgeon-general, the supervising architect of the department, the supervising inspector of steam-vessels, and the chief of the bureau of engraving and printing. The latter officer has charge of the making of all bonds, Treasury notes, national bank-notes, revenue stamps, etc. By means of this division of labor the vast interests of the Treasury Department are properly cared for, and if a single error, however trifling, is made by a clerk, it

military affairs of the country, the keeping of the army records, and the expenditure of all money appropriated by Congress for the improvement of navigation and the survey of harbors. The duties of the department are divided among ten bureaus:

The adjutant-general issues the President's orders, conducts the correspondence of the army, issues commissions and keeps the exact record of the army.

The remaining bureaus are those of the inspector-general, the quartermaster-general, the paymaster-general, the commissary-general, the surgeon-general, the chief signal officer, the chief of engineers, the chief of ordnance and the judge advocate-general. The latter officer reviews the findings of courts-martial and is the legal adviser of the Secretary of War.*

202. The Navy Department.—The Secretary of the Navy executes the orders of the President relative to his department. The duties of the department are divided among eight bureaus: A bureau of yards and docks, of equipment and recruiting, of navigation, of ordnance, of construction and repair, of steam-engineering, of provisions and clothing, and of medicine and surgery.

This department also issues nautical charts and sailing directions for the use of navigators, and publishes nautical books of great value which are sold at cost to any one. The naval observatory at Washington is under the care of this department. The nautical almanac is published three years in advance.†

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is soon detected by means of the numerous checks and safeguards constantly employed.

Among the eminent men who have held the office of Secretary of the Treasury are Hamilton, Gallatin, Taney (afterward chief-justice of the United States), Chase (also chief-justice), McCulloch and Sherman.

* Among the distinguished men who have held the office of Secretary of War are Edwin M. Stanton, General Grant and General Sherman.

† Among the distinguished men who have served as Secretary of the Navy are George Bancroft and Gideon Welles.

203. The Department of the Interior.—This department was originally called the Home Department, a name significant of the nature of the interests committed to it. If information is wanted concerning immigration, public lands, the Government survey, mines and mining, schools and colleges, the census, patents, pensions, trademarks, the Indians or the scientific investigations of the Government, the Interior Department will supply it. If pestilence and disease prevail in any part of the country, the Interior Department will advise as to the best method to be pursued to overcome them. The subordinate officers of the Interior Department are—

The Commissioner of Public Lands.
The Commissioner of Indian Affairs.
The Commissioner of Pensions.*
The Commissioner of Patents.
The Commissioner of Education.†
The Inter-State Commerce Commissioners.‡
The Superintendent of Public Documents.
The Superintendent of the Census.

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* **Pensions.**—Liberal pension laws in the United States since the Revolution have provided for the comfort of soldiers and sailors who have become disabled in actual military service, and in case of death for the support of their families.

† **The Bureau of Education**, organized in 1867, is attached to the Department of the Interior, and is under the direction of the commissioner of education. It collects statistics and facts showing the condition and progress of education in the several States and Territories, and diffuses information respecting the organization and mangement of schools, school systems and methods of teaching. Its reports and circulars of information are of great value to those interested in educational affairs.

‡ **The Inter-State Commerce Commission.**—On the 4th of February, 1887, Congress passed the "Act to Regulate Commerce," under which the Inter-State Commerce Commission was created. The commission consists of five commissioners, appointed by the President, with the advice and consent of the Senate. It is the duty of the com-

A superintendent of the census is appointed for each census, and holds his office only until the completion of the census for which he was appointed.

204. The Post-Office Department.—President Jackson first admitted the chief clerk of the Post-Office Department to a seat in the Cabinet. The secretary, called the Postmaster-General, has charge of the postal interests of the nation. He awards all postal contracts, directs routes for mails, negotiates postal treaties with the consent of the President and commissions and appoints all postmasters whose salaries are not more than $1000 a year. Postmasters who receive more than this amount are appointed by the President with the advice and consent of the Senate. The secretary controls the styles of postage-stamps and of envelopes made by the Government, and prescribes the rules and regulations of the postal business of the country. The subordinate officers of the department are—three assistant postmasters-general, an assistant attorney-general, a superintendent of the money-order department, a superintendent of foreign mails, a chief clerk, a law clerk and a topographer. The business of the Post-Office Department is enormous, extends over the entire country and is carried on with regularity and safety. Before 1845 it cost from six to twenty-five cents to send a letter containing a single sheet; the act of 1845 made the rates five or

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mission to investigate any matter or question of fact pertaining to the business of any common carrier or carriers in the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, from one State or Territory of the United States to any other State or Territory of the United States, or from any place in the United States to an adjacent foreign country, or through a foreign country to any other place in the United States. The act does not apply to the transportation of persons or property "wholly within the State." The object of the act is to provide Congress with accurate information by which it may enact laws "to regulate commerce," so that unjust discrimination in freights and passenger rates among railroads may be prevented.

ten cents according to distance. Stamps of these denominations were first issued in 1847. Four years later postage on home letters was reduced to three cents, and in 1883 it was reduced to two cents. The Post-Office Department provides facilities for the transmission of money by postal notes and orders. It classifies mail matter and fixes the rates of postage according to the classification.*

205. The Department of Justice.—Although Congress created the office of attorney-general of the United States in 1789, the Department of Justice was not created until 1870. The United States Attorney-General is the chief law officer of the Government, and represents the United States in all suits at law to which the United States is a party. He has the aid of the solicitor-general, two assistant attorneys-general, an assistant attorney-general for the Interior Department, one for the Post-Office Department, a solicitor of the Treasury, a solicitor of the Internal Revenue and an examiner of claims. The men who have at different times held this office of Attorney-General are among the most distinguished lawyers that the country has seen.†

206. The Department of Agriculture.—Until 1889 the interests now entrusted to the Department of Agriculture formed a portion of the interests of the Department of the Interior. The wealth of the people of the United States is chiefly agricultural. The farmer whose crops are

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* **The Postal Union.**—For the prompt transmission of mail matter between different countries, most of the nations have united in forming a postal union. It was organized at Berne, Switzerland, in 1874. Letters are carried from one country to another connected with the union at the uniform rate of five cents for each half ounce in weight, no matter what distance apart the countries may be.

† Among them are Theophilus Parsons, William Pinckney, William Wirt, Roger B. Taney (afterward chief-justice), Nathan Clifford (afterward justice of the United States Supreme Court), Reverdy Johnson, Caleb Cushing, John Y. Mason, Edwin M. Stanton, William M. Evarts and Edwards Pierrepont.

injured by destructive insects may apply to the Department of Agriculture and learn how to save his grain and his fruit. He may there ascertain the cause and the cure of the diseases that afflict his cattle and his horses, and obtain information about soil, climate, fertilizers, seeds and methods of cultivation. In 1891 the Weather Bureau, previously under the control of the War Department, was transferred to the Department of Agriculture.*

The executive departments are united in the President of the United States, who has the supreme control of them, and who is directly responsible to the people for his administration of public affairs.

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* The Weather Bureau was established by an act of Congress in February, 1870, authorizing the Secretary of War to establish and equip stations in different parts of the country, where such simultaneous observations on the meteorological conditions of the atmosphere could be taken as would enable the department to give to all important ports on the Atlantic coast and Great Lakes timely notice of the approach of dangerous storms, and to collect such information as would be of value to shipping and other interests. The system has grown until there are now nearly five hundred stations in different parts of the country, having trained and intelligent observers of the weather, whose observations are telegraphed to the central office at Washington three times each day, and the bureau is thus enabled to foretell the probable character of the weather for the next twenty-four hours.

CHAPTER XII.

THE COURTS OF JUSTICE.

207. Determination of Rights.—The industrial, political, social and moral rights of a person may be questioned or endangered by another: to determine these rights courts of justice administer the laws of the States and of the United States.

208. State Courts.—The State courts are the inferior or lower courts, such as the justice's court and the county courts; and the higher or superior courts, such as the court of appeals, the court of errors or the supreme court. In the State courts are tried all cases of a civil or of a criminal nature that arise within the jurisdiction of the court before which the cases are brought for decision. A case, if not appealed to a higher court, is settled in the court in which it is first brought. The laws of the several States and of the United States determine whether or not a case may be appealed to a higher court. Nearly all suits at law begun in State courts are settled there. Suits at law are managed by men learned in the law, who act in the place or turn of another, and who are therefore called attorneys-at-law. A person may manage his own case at law, but he is safer in employing an attorney. The court consists of the judge or judges sitting on the bench for the purpose of administering justice. The higher courts are provided with clerks or recording officers and reporters;* there are also in attendence attorneys-at-law

* **Reports and Reporters.**—The decisions of the higher courts are recorded, and from the records are made up the volumes of legal reports by the law reporters of the courts. Each State and the United

and officers that assist the court, such as the sheriff, constables, tipstaves and crier. The judgment of an inferior court is final, unless set aside by the superior court.

209. Military and Naval Courts.—Offences committed in the army or navy are tried before a military or a naval commission called a *court-martial.* Military offences at critical times in a nation's history demand fair and speedy trial. In times of war, civil procedure would be inadequate to the necessities of the case. A case decided by a court-martial cannot be reopened except by order of Congress or of the President with the consent of Congress. Only the President of the United States can pardon persons found guilty by military or naval courts.

210. Arbitration—Matters of difference between contending parties are often adjusted by arbitration, which is the reference of the matters in dispute to disinterested persons chosen by the parties, each party choosing one, and these two choosing a third arbitrator. Crimes cannot be made the subject of arbitration. The opinion or finding of the arbitrators is called an award, and is binding on the parties to the arbitration. In modern times nations have occasionally settled differences between themselves by arbitration.*

States provide for the publication of their own series of reports. These reports are the guide of attorneys-at-law and of judges. They are prepared with great care.

* This humane and peaceful method of arriving at a judgment was pursued by England and the United States in the celebrated Alabama case, a body of claims made by the United States against England for alleged violations of neutrality during the Civil War. The tribunal to determine the disputes between the two countries assembled December 15, 1871, in Geneva, Switzerland, and consisted of five arbitrators—Count Federigo Sclopis of Salerano, named by the king of Italy; Baron Itajuba, named by the emperor of Brazil; Mr. Jaques Staempfli, named by the president of Switzerland; Charles Francis Adams, appointed by the President of the United States; and Lord Chief-justice Sir Alexander Cockburn, appointed by the queen of Great Britain. After an ex-

211. Criminal Cases and Civil Cases.—All cases at law are divided into two classes—*criminal* and *civil.* A criminal case is one in which a suit is brought, usually in the name of the State, by one person against another for the commission of a wrong endangering his life, health, property, liberty or reputation. A civil case is one in which suit is brought to compel a person to execute his contract or to make compensation for refusing or neglecting to do so. Courts of justice administer civil and criminal law, and the same judge may at different times sit as a criminal court or as a court hearing civil cases. Courts of oyer and terminer and jail delivery and courts of *nisi prius* are courts which redress public wrongs—that is, crimes and misdemeanors. Courts of common pleas are courts which redress civil wrongs or wrongs arising from breach of contract. Probate courts, orphans' courts or surrogates' courts are courts which settle the estates of deceased persons.

212. History of a Civil Case.—A civil case originates in a breach of contract. A contract is an agreement to do or not to do a particular thing.* Contracts are expressed —that is, stated formally in writing or verbally before witnesses; or implied—that is, such as reason and justice dictate, and which the law presumes that every man undertakes to perform. If I employ a person to work for me, the law implies that I shall pay him the value of his services. It is implied in all contracts that if I fail in performing my part of the agreement I shall pay the other party such damages as he has sustained by my neglect or

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haustive examination of the matters submitted to it the tribunal awarded $15,500,000 in gold, September 14, 1872, as the indemnity to be paid by Great Britain to the United States in satisfaction of all claims referred to the consideration of the tribunal. The award was promptly paid, and since that famous decision it has become the custom of civilized nations to seek a settlement of international disputes by arbitration

e ¶ 172, p. 90.

refusal. The great law of contracts is, that all persons are legally bound to keep their contracts or suffer the penalty for the breach of them.

The party bringing the suit at law is called the plaintiff; his opponent is called the defendant. Each party usually seeks the advice of an attorney, and if the parties cannot come to an amicable settlement the case is brought before the court having jurisdiction in such cases. After the filing of the necessary legal papers as introductory to the case in court, it comes on in its order for trial. The plaintiff, his attorney and his witnesses confront the defendant, his attorney and his witnesses. By mutual consent the case may be settled upon a hearing by the judge alone, but usually the case is set down for a jury trial. All cases that come before the courts are brought upon oath of the parties bringing them. Plaintiffs, defendants and witnesses at some stage of the case take oath as to the truth of the matter involved. This compelling every person connected with the case to declare his knowledge of it upon oath, imparts solemnity to the proceedings, and makes each person so swearing or affirming, guilty of perjury if he does not tell the truth.

Before the case opens, if a jury trial, a jury is empanelled. Trial by jury is very ancient, and its origin is not clear. Some think that it arose in England from the custom prevailing there many years ago of twelve men, called compurgators, or oath-makers, taking solemn oath that to the best of their individual belief certain statements were true or false. In those ancient days men sometimes resorted to curious devices to determine the guilt or the innocence of an accused person. He was compelled to plunge his naked arm or his body into boiling water or boiling oil, or to pick up a red-hot ploughshare, or to walk over a fiery path, or to wage battle in single combat. If he performed these requirements unharmed, he was thought to be innocent. At the present time, in England and in

the United States, trial by jury is the common manner of trying cases, and the right to trial by jury is secured to citizens by the unwritten constitution of England and by the written Constitution of the United States.*

213. History of a Criminal Case.—Offences of an atrocious nature, such as murder, arson, burglary and larceny, are called crimes; offences of an inferior degree of guilt are called misdemeanors. Crimes and misdemeanors hazard the peace of society, and are therefore public wrongs. The person injured or his legal representative, or the attorney representing the State, brings the action in a criminal case. First, upon evidence sufficient to satisfy a justice of the peace, a magistrate or a judge, the person suspected or accused of committing the offence is arrested, under warrant, by the constable or sheriff. Upon arrest the prisoner is subject to preliminary examination before the officer who issued the warrant. If not discharged, the prisoner is remanded into custody to await trial. If the offence is a bailable one, he may be set at liberty on bail, which is secured to the State by sufficient securities. The State becomes the plaintiff and is called the prosecution; the prisoner is the defendant. After a reasonable time the prisoner, if not out on bail, may petition for the right of *habeas corpus*, which the court is bound to notice.† Meanwhile, the attorney for the State has drawn up, accurately and in legal form, a written accusation which is known as an *indictment*, which he presents to the grand jury.‡

214. The Grand Jury.—The grand jury is a body of men, varying in number in the different States, selected according to law in the county, to examine the indictments presented before it by the prosecuting attorney for the State or county. An indictment is the complaint in

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* See ¶ 168, p. 89. † See ¶ 156, p. 85.

‡ In some of the States the grand jury system is not used. In these States the prosecuting attorney presents the case to the petit jury for trial.

legal form against a person or persons for offences committed by him or them against "the peace and dignity of the commonwealth." The indictment is known as a "bill." On the bill are endorsed the names of the witnesses by whose testimony the charge is supported. The attorney gives to the jury a history of the case so far as he knows it. The jury examines the witnesses endorsed on the indictment, and formally votes on each indictment. A true bill is the formal assent of the majority of the grand jury that the person indicted should be proceeded against according to law. If a true bill is not found, the case is thrown out and comes to an end. Each true bill becomes a criminal case before the court. Each grand jury has a foreman selected by themselves or appointed by the court. He writes across each indictment either "A true bill" or "Not a true bill," as the jury decides. All the proceedings of the grand jury are secret. Before the grand jury retires to consult they are charged by the presiding judge concerning the nature of their duties. The grand jury is a preliminary jury.*

215. The Petit Jury.—The jury before whom civil and criminal cases are tried is called a petit jury. The term "jury" is usually employed as signifying a petit jury. The number of jurors must be twelve. The jurors are chosen from a number of electors selected according to law in the county. From the electors so selected twelve men are chosen, who take their place in the jury-box. This is called empaneling the jury. The jury is sworn and a case comes on for trial.

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* An entry may be made on the court-record by which the prosecutor or the plaintiff declares that he will proceed no further. Such an entry is called a *nolle prosequi*. It may be entered in a civil or in a criminal case. In criminal cases, before a jury is empaneled to try an indictment, and also after conviction, the prosecuting attorney has power to enter a *nolle prosequi*. A *nolle prosequi* does not acquit the defendant he may be indicted again.

The manner of trying a civil case differs in some respects from that of a criminal case, but the general procedure is the same. Witnesses are examined and cross-examined. The attorney for the plaintiff or the prosecution presents his side of the case to the court and the jury. The attorney for the defence follows. The judge then charges the jury, relating briefly the history of the case as it has come before the court, and instructing the jurors as to the law applying in the case before them. The judge's charge is listened to with close attention by the jurors, for their verdict is the finding of the facts in the case; what they say is fact is fact. After the charge they usually retire to the jury-room for consultation. During their consultation they are subject to a strict surveillance, and cannot communicate with any person save the judge. A verdict is the unanimous opinion of the jury. If no verdict is reached, the foreman of the jury announces to the judge that the jury cannot agree. The disagreement of the jurors usually puts an end to the case. If they find a verdict, they return to the jury-box and inform the court. The foreman gives the verdict. In a criminal case it is "Guilty" or "Not guilty." In a civil case it is "For the plaintiff" or "For the defendant." In most civil cases the jury fixes the amount of damages, and the amount named is a part of the verdict. At the close of the session of court the jurymen are discharged.

Each elector is subject to jury-service unless exempted by law. In some of the States persons of certain professions or occupations, such as clergymen, or teachers, or physicians, or attorneys-at-law or members of the National Guard, are exempted from jury service. The judge at his discretion may excuse a man from jury-service. A court-house is often frequented by men who hope to be called as jurymen to fill vacancies, and thus earn a small sum. These men are inferior to the men called by the sheriff in due course of law from the body of the electors, yet they

often decide important cases in court. People sometimes complain of the miscarriage of justice in our courts. In rare instances the complaint may be well founded. It is difficult to obtain a well-qualified jury. Our laws exclude from the jury in any case all persons who, having learned about the case, have formed any opinion in regard to it. A jury is supposed to be absolutely free from prejudice in the case before them. It is the duty of the citizen to serve on jury when summoned.

216. Judgment, Sentence and Execution.—The decision of the court follows the verdict of the jury. In civil cases the decision of the court is called *the judgment;* in criminal cases it is called *the sentence.* A judgment or a sentence follows the law. By force of the judgment the party obtaining it seizes and sells by the sheriff the personal property of the adjudged person to the amount of the claim fixed by the judgment. If the personal property is not sufficient to satisfy the debt, the real property of the delinquent is levied on and sold by the sheriff to the amount of the judgment.

If found guilty in a criminal case, the person is sentenced by the court to suffer the penalty of the law. A person sentenced to capital punishment may be respited or pardoned by the governor of the State. The carrying out of the judgment or the sentence of the court is the execution.

217. The Appeal.—If the party who loses the suit thinks there has been an error of any kind in the trial, his attorney applies for a new trial, which, if granted, proceeds before a new jury in the same manner as when first tried. If a new trial is not granted, he may appeal from the decision of the court to the supreme court of the State. The supreme court either orders a new trial in the lower court or renders a decision in the case. The decision of the supreme court of the State is final, excepting for a certain class of cases designated by the Federal Constitution;

which cases may be appealed to the inferior courts of the United States or to the Supreme Court of the United States. Cases tried in the supreme court of the State or of the United States are usually decided by the judges alone, without the intervention of a jury.

218. The Supreme Court of the United States.—The Constitution provides for one Supreme Court, which meets in the Capitol at Washington, D. C., and consists of a chief-justice and eight associate justices. It holds one session annually, beginning on the second Monday of October. A quorum consists of any six justices of the court, and the decision of a quorum is the decision of the court. It exercises original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a State is a party. All other cases before it are cases appealed into it from State courts or from inferior courts of the United States. It may modify its own decisions, but its judgment is final.

219. Inferior Court of the United States.—The Constitution empowers Congress to establish United States courts inferior to the Supreme Court. Under this authority it has established seventy-two District Courts, nine Circuit Courts, nine Appellate Courts, the Court of the District of Columbia, Territorial Courts, Consular Courts, the Court of Claims, and the Court of Private Land Claims.*

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* The seventy-two districts are—Indian Territory, New York, Texas, three each; Alabama, Arkansas, California, Florida, Georgia, Illinois, Iowa, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia and Wisconsin, two each; other States and Territories, one each.

The nine circuits are—

1. Maine, New Hampshire, Massachusetts and Rhode Island.
2. Vermont, Connecticut and New York.
3. New Jersey, Pennsylvania and Delaware.
4. Maryland, West Virginia, Virginia, North Carolina and South Carolina.
5. Georgia, Florida, Alabama, Mississippi, Louisiana and Texas.

THE SUPREME COURT OF THE UNITED STATES.

The judges in the Federal courts are appointed by the President with the consent of the Senate, and hold office during good behavior. They may be removed from office on impeachment and conviction by the Senate. Any judge, having attained the age of seventy years, may retire on full pay after ten years of consecutive service. The compensation of the judges cannot be diminished during their tenure of office.

220. Officers of United States Courts.—United States commissioners are appointed by the circuit judges to perform various duties, the principal of which are to arrest and hold for trial persons accused of offences against the United States, and to assist the district and the circuit courts by taking testimony for use in the trial of cases. The number of commissioners is at the discretion of the judges. To aid in the administration of justice, either

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6. Ohio, Michigan, Kentucky, and Tennessee.
7. Indiana, Illinois and Wisconsin.
8. Minnesota, Iowa, Missouri, Kansas, Arkansas, Nebraska, Colorado, North Dakota, South Dakota, Utah, Wyoming, Indian Territory, Oklahoma Territory and New Mexico.
9. California, Oregon, Nevada, Montana, Washington, Idaho, Arizona and Alaska.

The District Courts, the Circuit Courts and the Appellate Courts were created to relieve the Supreme Court; their jurisdiction is prescribed and regulated by Congress. The court of the District of Columbia exercises a civil and a criminal jurisdiction in that District. The Territorial courts exercise the same jurisdiction in the several Territories. Consular courts are held, in some cases, by American consuls in service in foreign countries; the cases decided in them are such as arise in commercial transactions between Americans and foreigners where the matters in dispute are not of a grave nature. The court of claims meets in Washington, and has the peculiar duty of deciding what claims against the United States should be paid. The United States cannot be compelled to pay anything it owes, but Congress organized this court as a judicial commission to examine all claims against the United States and to report its decisions to Congress. It files its opinions with a committee of Congress, and claims found due by the United States are paid by order of Congress out of unexpended money in the Treasury.

State or Federal judges, a justice of the peace or a magistrate may perform the duty of a commissioner. The State Government thus aids the Federal Government in arresting and examining accused persons. It is through the United States commissioner, or the official acting in his stead according to law, that the Federal Government exercises its power over individuals. A State officer exercising the authority of a commissioner acts as an officer of the United States, and not as a State officer.

For each of the sixty-nine districts the President appoints a United States marshal and a district attorney. The marshal is the executive officer of the circuit and district courts, with duties corresponding to those of the sheriff in the county. The writ of a United States marshal has authority anywhere in the United States. The district attorney is the law-officer of the United States for the district.

221. Justice Secured under the Constitution.—By the exercise of the powers given to the Supreme Court by the Constitution, the people of the United States secure justice. The jarring interests of individuals could not be quieted except by the administration of law by a tribunal from whose decisions there can be no appeal. The United States Supreme Court is our court of last resort, and its judgments have been so tempered with wisdom that it has become in power what it has long been in name, "the balance-wheel in our system of government." Justice could not, however, be secured if the Federal Constitution could not be adapted from time to time to the interests of the nation as they have been recognized by the people. The Constitution makes provision for amendments, of which more than seven hundred have been proposed in Congress since 1789; the fifteen now in force were proposed by Congress and ratified by the State legislatures.

CHAPTER XIII.

THE PEOPLE AND THE LAND.

222. The People.—Two permanent elements in government are the people and the land. Our civil institutions began to move westward across the country soon after its acquisition, and chiefly in three main currents—a northern, a middle and a southern current. The old thirteen States are the parents of all the States west of them. There is a larger New England west of New England, a larger Virginia west of Virginia. Not only have State constitutions moved westward with the people, but opinions, beliefs, characteristics, morals, industries, habits of daily life, stories and anecdotes, educational systems, styles of building, systems of law, of public roads and of public charities, religious views, names of towns, cities and counties, have moved westward also.

Any one who would understand the government of the people of the United States must understand the great law of migration: *similar civil institutions follow lines of equal temperature.* The customs and opinions prevailing in North Carolina and Georgia are not found in the North-west, nor are the customs and opinions of New England found in the South-west.

223. The Land is the field of the people's activity. The use of the land is sacred to the people. The land of our nation will in time extend as far as the sovereign will of the people shall dictate. It is probable that only the waves of the ocean, the frozen barriers of the North and the torrid heat of the South will ultimately mark the boundaries of our national domain.

224. The Original Domain.—The map shows the original domain of the thirteen States fixed by the treaty of Paris, 1783. It shows also the various acquisitions since that time. In the old States no common system of public survey was followed, but in the Western States, in that portion of the country known as the Public Domain, a national system of survey has been followed, based upon the congressional township.*

225. How the Township is Formed.—The Government surveyors in making a survey first establish a *principal meridian.* Twenty-four principal meridians have already been established, the first of which was the line dividing Ohio from Indiana.

A parallel line crossing the principal meridian at right angles is then established, and called a *base line.*

Every six miles apart, east and west of the principal meridian, another meridian is established, and every six miles apart, north and south of the base line, another parallel line is established. These meridians and parallels are called *township lines.*

The square tracts of land enclosed by the township lines are called *congressional townships.* Each township is nearly six miles square; not exactly, because the eastern and western boundary-lines of the township are meridians;

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* The congressional township is not to be confounded with the civil township; it is not a political division of the county, nor has it any political organization. It is simply a tract of land, six miles square, instituted to afford a convenient method of recording and describing land.

The survey of the Public Domain is under the control of Congress, and was inaugurated by a committee of the Continental Congress in 1785. Thomas Jefferson was chairman of this committee. The committee recommended that all public land should be surveyed into hundreds or townships of ten miles square. At the suggestion of James Monroe, the township, or hundred, as it was called, was reduced to six miles square, and the sectional subdivision of the township was made one mile square, or 640 acres, a suggestion that gave us our system of public survey.

hence, on account of their convergence toward the north and divergence toward the south, a township is not a perfect square, and the townships would constantly decrease

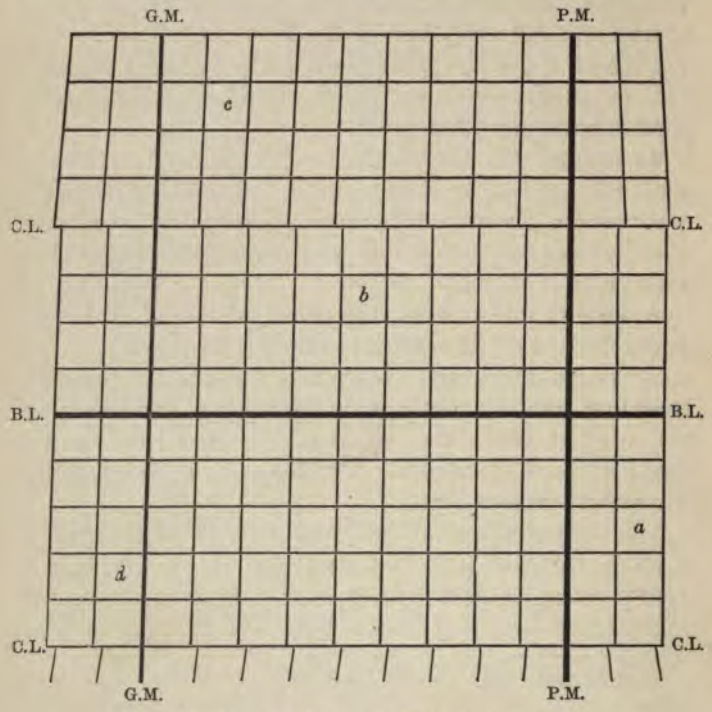

DIAGRAM OF A GROUP OF TOWNSHIPS, ETC.

P. M. represents part of a principal meridian; B. L., part of a base line; G. M., part of a guide meridian; C. L., correction lines. *a* is township 3 south, of range 2 east of the principal meridian; *b* is township 3 north, of range 5 west of the principal meridian; *c* is township 7 north, of range 8 west of the principal meridian; *d* is township 4 south, of range 10 west of the principal meridian.

in size toward the north and increase in size toward the south as the distance from the base line increased, ultimately defeating the purpose of the survey, were it not


Longitude 23° West
DOMINION
VANCOUVER I.
WASHINGTON
Olympia
OREGON
Portland
Columbia
OREGON
PACIFIC
OCEAN
MONTANA
Helena
Bitterroot Mts.
ROCKY MOUNTAINS
Yellowstone Nat. Park
Snake R.
WYOMING
NORTH DAKOTA
LOUISIANA
SOUTH DAKOTA
PURCHASE
NEBRASKA
Cheyenne
DISCOVERY 1792
EXPLORATION 1805
SETTLEMENT 1811
TREATY 1818
ACQUIRED BY
BOUNDARY AS DETERMINED BY
Great Salt Lake
Salt Lake City
ACQUIRED FROM MEXICO
NEVADA
UTAH
Carson City
San Francisco
Sierra Nevada Mts.
Denver
COLORADO
KANSAS
BY
CONQUEST AND TREATY
SPANISH
TREATY
OKLAHOMA
1845 1848
CEDED
Santa Fe
BY
NEW MEXICO
TEXAS
1850
ARIZONA
Prescott
Colorado R.
Gila R.
BOUGHT OF MEXICO 1853
GADSDEN PURCHASE
ANNEXED
MEXICO
Rio Grande
ALASKA
Scale of Miles
0 100 200 300
Pt. Barrow
ARCTIC OCEAN
PURCHASED FROM RUSSIA 1867
Bering Str.
Yukon R.
Rocky Mts.
CANADA
BERING SEA
ST. GEORGE
NORTH PACIFIC OCEAN
KODIAK I.
Sitka
FOX IS.
GRAHAM I.
170° 165° 160° 155° 150° 145° 140° 135°
105°


MAP SHOWING
LAND ACQUIRED
by the
UNITED STATES
1783—1898
Scale of Miles
0 100 200 300 400 500
CANADA
GULF OF MEXICO
ATLANTIC OCEAN
CUBA
BAHAMAS
Florida Strait
Quebec
Ottawa
Toronto
Portland
Boston
Concord
Hartford
New York
Trenton
Philadelphia
Baltimore
Washington
Richmond
Raleigh
Charleston
Savannah
Atlanta
St. Augustine
St. Mary's R.
Galveston
New Orleans
Little Rock
Memphis
St. Louis
Topeka
Omaha
Des Moines
Chicago
Detroit
Cincinnati
Louisville
Lake Superior
Lake Michigan
Lake Huron
Lake Erie
Lake of the Woods
Georgian B.
Ontario
Mississippi
Missouri R.
Red R.
CEDED BY GREAT BRITAIN 1783
WISCONSIN
LAT. 43° 43'
CEDED BY MASSACHUSETTS 1785
LAT. 42° 2'
CONNECTICUT CESSION 1786 AND 1800
VIRGINIA CESSION 1784
NORTH CAROLINA CESSION 1790
TENNESSEE
S.C. CESSION 1787
CEDED BY GEORGIA 1802
MISSISSIPPI TERR'Y 1798
CLAIMED BY U.S. & GA.
CEDED BY GA. 1802
BOUGHT OF SPAIN 1819
TERRITORY OF ARKANSAS 1845
MAINE
NEW YORK
PENNSYLVANIA
OHIO
KENTUCKY
MISSOURI
IOWA
MINNESOTA
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
FLORIDA
C.J. PETERS & SON ENGRS. BOSTON.

for *correction lines*, which (in the eastern part of the Public Domain) are established every twenty-four miles north and every thirty miles south of the base line. A new meridian, called a *guide meridian*, is also established every fifty-four miles east and west of the principal meridian. By the use of the *correction lines* and the *guide meridians* the size of the township is restored.

Townships are numbered in order north and south of the base line, and in *ranges* east and west of the principal meridian.

226. Sections.—Each township is divided into thirty-six sections. Each section is one mile square, and contains nearly 640 acres,* divided into sixteen tracts of 40

Township line north.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Township line west. Township line east.

Township line south.

DIAGRAM OF A TOWNSHIP divided into sections of 640 acres each.

acres each. The lines that bound the sections are called section lines. Sections are numbered from east to west and west to east alternately.†

* As the lines forming the eastern and western boundaries of the section converge toward the north, the section is not a perfect square, hence does not contain exactly 640 acres.

† In townships on the Public Domain established by the Government

As the survey works westward, fractional or imperfect sections are located on the west side of the township. The United States surveyors locate the "corners" of the sections and half-mile marks between the corners. Their work is then completed, and a natural object or an artificial construction, duly registered on the surveyor's field-book, marks the survey.

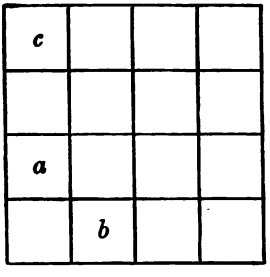

DIAGRAM OF A SECTION divided into tracts of 40 acres each.—Assuming the diagram of the section to be section 6 in township 5 north, of range 2 west of the sixth principal meridian, lot *a* would be described as the N. W. ¼ of the S. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *b* is the S. E. ¼ of the S. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian; lot *c* is the N. W. ¼ of the N. W. ¼ of Sec. 6 in township 5 north, of range 2 west of the sixth principal meridian, and may be abbreviated thus: N. W. ¼ of the N. W. ¼, Sec. 6, T. 5 N., R. 2 W. of 6th P. M.

By this system a deed of land may be written in a few words, and it is intelligible to any person. Deeds of land in the older thirteen States are usually long and the boundaries are often obscure, the deed calling for "an oak tree" or "a certain pile of stones" or "a stump." Land in the

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survey, public roads are usually located on each section line, so that the highways of the township divide it into squares of one mile each. School-houses are usually located at each alternate cross-road, thus giving nine school-houses, two miles apart, to each township. The school-house stands at the centre of a school district two miles square.

Public Domain is easily located and described by lines of latitude and longitude.

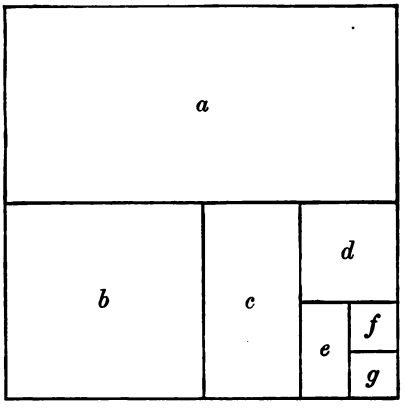

DIAGRAM OF SECTION FOR PRACTICE IN LOCATING LAND.—Assume the section to be sec. 4, township 7 north, range 3 west of third principal meridian. Describe the location of lot *a*, *b*, *c*, *d*, *e*, *f* and *g*.

The munificence of our Government in providing land for the people has been an important element in the settlement of the newer States. It opened the way for a vigorous, progressive and law-abiding people in regions which a few years ago were wild Indian lands.

227. Homesteads.—On the 20th of May, 1862, President Lincoln approved and signed "An act to secure homesteads to actual settlers on the Public Domain." By this act the head of a family, man or woman, or any single person, twenty-one years of age, who is a citizen of the United States, or person who has declared an intention of becoming such, has the right to locate upon one hundred and sixty acres of unoccupied public land of the Public Domain. The settler must enter the land in a United States land-office and live continuously upon the land for five years. If he is a full citizen of the United States and has complied with the homestead law, he will

receive from the Federal Government a patent or deed for his land free of cost, excepting land-office fees, which are nominal. No person who is the proprietor of more than one hundred and sixty acres of land in any State or Territory can acquire any right under the homestead law.

228. Pre-emptions.—One hundred and sixty acres of any unsold land belonging to the United States may be pre-empted by any citizen who is the head of a family, man or woman, or by any single person twenty-one years of age. The pre-emptor must settle upon and occupy the land and build a house upon it. Within thirty days from the pre-emption he must file a declaration of his intention to purchase the land. After living upon the land for one year continuously and improving it, he must present proof at the land-office of his occupancy and improvement, and pay for the land at the Government price, which is $2.50 per acre within the limits of the land granted to railroads, and $1.25 outside of such grants. No person can acquire any right of pre-emption who is the proprietor of three hundred and twenty acres of land in any State or Territory, nor who quits or abandons his residence on his own land to reside on the public land in the same State or Territory.

229. School Lands.—For the promotion of education the Government originally set apart Section 16 in every congressional township, and in 1852 Section 36 was added to aid in the support of public schools. These sections are called school sections. All the States in the Union have received land or land-scrip as a fund for common schools and for the endowment of State educational institutions, usually for agricultural and mechanical colleges. The total area thus granted is about 100,000,000 acres. All this land is estimated to be worth at least $1.25 per acre, but much of it has been sold at a higher price. Never before in the world's history has there been such a munificent national gift for educational purposes.

CHAPTER XIV.

THE PEOPLE AND THE MONEY.

230. National Finance.—The industrial interests of the people of the United States require a national currency, a national revenue and a national system of banking. Congress alone has power to coin money and to regulate its value.

231. What is Money?—Money is a measure of value. The two precious metals, gold and silver, are used in the coinage of money because—

1. They easily receive and firmly retain impressions;
2. They do not rust;
3. They wear away but slowly;
4. They are easily detected from other metals;
5. They are easily alloyed and purified;
6. They represent a large amount of labor in a small compass.

For the coinage of money Congress has established mints at Philadelphia, Pa., San Francisco, Cal., New Orleans, La., and Carson City, Nev.; and assay-offices at New York, Charlotte, N. C., Boisé City, Id., and Denver, Col.

The coins of foreign lands usually bear an impress of the face of the sovereign during whose reign they were coined. Thus coins become of rare interest in the study of history and in obtaining portraits of famous men. The guinea took its name from the Gold Coast of Africa; the napoleon, from the famous soldier of France who first coined it. The coins of the United States bear the impress

of the great seal of the people, a head or figure of Liberty and the national motto, "E Pluribus Unum." Some have thought that our coins should bear the impress of the face of the President during whose administration they are coined. But this would be contrary to the spirit of the Constitution; the people are the Government, and the symbol of the sovereignty of the people is therefore appropriately stamped upon our coins. The unit of value in our coinage is the dollar. The gold coins are the two-and-a-half dollar piece or quarter eagle, the five-dollar piece or half eagle, the ten-dollar piece or eagle and the twenty-dollar piece or double eagle. The silver coins are the dollar, half-dollar, quarter-dollar and dime. There are also coined the bronze one-cent piece and the nickel five-cent piece, known as "minor coins." Our coinage is based upon the decimal system, and was introduced by Thomas Jefferson after his ministry to France.*

232. Substitutes for Money.—The right to coin money carries with it the right to issue paper money. But paper bills are only the evidence of a credit, and are but substitutes for money.

The United States issues several substitutes for gold and silver which pass, under certain restrictions, as money. They are all bills of credit. They consist of Treasury notes, national bank-notes, coin certificates and scrip (sometimes issued).

At different times in our history the ordinary revenues of the Government have not been sufficient to meet its expenses. Rather than obtain funds by increased tax-

* The die of the Goddess of Liberty used on our early coins was first cut by Spencer, the inventor of the Spencer lathe. He cut a medallion of Washington's wife, and some of the first issue of coins were struck with her portrait. When Washington saw them he was much displeased, and requested that the figure be changed. Spencer then placed a cap on the head, altered the features a little and called it the "Goddess of Liberty."

ation, Congress has borrowed money on the faith and credit of the United States.*

233. Treasury Notes.—Treasury notes are promises to pay made by the Federal Government. These notes are a legal tender † at their face value for all debts public and private, except duties on imports and interest on the public debt.

234. National Bank-Notes.—The notes printed by the Government and issued by the national banks are a legal tender in the payment of all dues to the United States

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* During the Revolutionary War the United States and the States, having no coin and practically no credit, began issuing fiat paper money. The paper money of the States and of the United States was printed in such immense quantities that it had little value. It was so rudely printed as to invite easy and successful counterfeiting. The congressional paper so depreciated in value that it was a common expression to speak of a thing having little value as "not worth a continental," meaning a piece of congressional paper money. Prices rose, and gold and silver coin went out of circulation. A barrel of flour cost $1575; John Adams paid $2000 for a suit of clothes. As an illustration of the worthlessness of fiat money, the following copy of an original bill, made in Philadelphia in 1781 is interesting:

COL. A. MCLANE	Bo't of W. NICOLL,
1 pair boots	$600.00
6 3-4ths yds. calico at $85 per yd.	573.75
6 yds. chintz at $150 per yd.	900.00
4 1-2hlf yds. moreen at $100	450.00
4 handkerchiefs at $100	400.00
8 yds. quality binding at $4	32.00
1 skein of silk	10.00
	$2965.75

If paid in specie, £18 10*s*.

That is, $2965.75 in fiat money was worth £18 10*s*. ($92.50) in gold coin.

† A legal tender is such an offer of payment as a creditor must accept or forfeit his right to interest on the amount due him.

except import duties, and for all dues from the United States except interest on the public debt. For debts between private individuals they are not a legal tender.

235. Currency Certificates. Silver and gold certificates are issued by Congress on the security of the gold and silver dollars deposited in the Treasury of the United States. They are the nearest to money of any substitutes for money issued by the Government. They are receivable for customs, taxes and all public dues, and when so received may be reissued. They are a legal tender for all obligations, public and private, excepting that part of the national debt and the interest thereon that the Government has contracted to pay in coin of the United States.

236. Scrip, or Fractional Currency.—Paper scrip is similar to a Treasury note. It has been issued occasionally by Congress in fractional parts of a dollar, but in recent years the smaller silver coins have taken its place.

237. Government Bonds are evidences of indebtedness issued by the Federal Government for money which it has borrowed or for obligations which it has assumed. The bonds now in existence are those bearing interest respectively at two per cent., three per cent., four per cent., and five per cent., and the Pacific Railroad bonds, bearing six per cent. interest.*

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* In 1875, Congress authorized the issue of three classes of bonds, bearing interest at the rate of 5 per cent., 4½ per cent. and 4 per cent. respectively, to redeem bonds previously issued at a higher rate of interest. The right was reserved to redeem the 5-per-cent. bonds after July 1, 1885, the 4½-per-cent. bonds after Sept. 1, 1891, and the 4-per-cent. bonds after July 1, 1907. The 5-per-cent. bonds were redeemed previous to Jan. 1, 1886; of the 4½-per-cent. bonds, $250,000,000 were issued, of which, previous to July, 1891, there had been redeemed $199,130,800. During this month the Government decided that any of the holders of these bonds who desired might have the privilege, during the pleasure of the Government, of retaining them after Sept. 1, 1891, at 2 per cent. interest, and that those holders who desired could have

238. National Banks.—On the 20th of February, 1863, Congress passed the law creating the national banking system. About a year later it was revised, and has continued to the present time without material change. Any number of persons, not less than five, may organize themselves into a corporation and apply to the Government for permission to become a national bank. The contributors to the capital of the bank are called stockholders. The stockholders elect the directors, and usually the directors elect the president, vice-president, cashier and other employés of the bank. The directors determine what portion of the capital shall be invested in United States bonds. On depositing these bonds with the treasurer of the United States the bank receives back nine-tenths the amount of the bonds in national currency or bank-bills, printed by the Government and issued by the bank, in such denominations as the bank requires. If the purchase of bonds by the bank amounts to $500,000, the bank will receive $450,000 in national bills for circulation. This $450,000 is loaned by the bank in the course of business; the bank also receives interest on the Government bonds it purchased. The bank does a discount business by purchasing securities, such as notes, drafts, etc. It loans its own issues and also the deposits made by its patrons. Thus a national bank is a bank of issue, of deposit, of discounts and of loans.

National banks are required to create a surplus fund,

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their bonds redeemed on and after Sept. 2, 1891. Five-per-cent. bonds were issued in 1894, in 1895 and in 1896, but at such a premium that the interest payable on them is only about 3 per cent. Three-per-cent. bonds were issued in 1898 to defray the expenses of the war with Spain.

The Pacific Railroad bonds are known as "Currency Sixes." They were issued to assist the Pacific Railroad Companies in building the roads, because it was believed that the building of the roads would promote the general welfare of the people. The Government holds second-mortgage liens on the roads as security for the payment of the bonds.

for which purpose the directors must set apart each year ten per cent. of the profits of the bank until the surplus fund is equal to twenty per cent. of the capital of the bank. This surplus fund provides the means for making good any losses that may occur. National banks are also required to maintain a reserve fund in gold and silver coin equal to about twenty per cent. of the capital of the bank. By this provision the holders of national bank-notes may convert them into gold and silver by presenting the notes to the bank that issued them. For the protection of the interests of the people the Government inspects each national bank through a bank examiner, who is empowered to enter a national bank at any time, without notice, and examine its affairs. He reports the condition of the banks to the Comptroller of the Treasury.

239. Advantages of National Banks.—The advantages of national banks to the people are—

1. The bonds of the Government, which were issued as a substitute for money, are made the basis of a banking system, and are held by the Government as security for those who take the bank's bills.

2. All the national banks are based upon the same system, and the notes of these banks are a national currency. The notes of a Florida national bank pass at par in Oregon; if the Florida bank were a State bank, its liabilities might not be guaranteed, and its notes would pass at a discount proportioned to the distance they circulated from the bank itself. Before the creation of the national banking law each State had a banking system of its own, and the finances of the country were frequently disturbed by the want of uniformity. The national banking system of the United States is more nearly perfect than any other system of finance in the world.

240. The National Debt exists in two forms—the interest-bearing and the non-interest-bearing debt. The interest-bearing debt consists of the various Government

bonds, and the refunding certificates bearing interest at the rate of four per cent. The non-interest-bearing debt consists of those Government bonds which have matured, but which have not yet been presented for payment, legal tender notes, old demand notes, national bank-notes, and script or fractional currency. A large portion of the evidences of the national debt has doubtless been lost or destroyed, and will never be presented for payment. The principal and interest of the national debt must be paid by the people, and payment is guaranteed by the "full faith and credit" of the people of the United States.*

241. The Revenue of the United States is derived from—

1. Customs;
2. Internal revenue;
3. Direct tax;
4. Public lands;
5. Other sources.

The customs duties arise from the taxes on importations; the number of dutiable articles is about eleven hundred. The internal revenue is derived from taxes, the greatest portion of the revenue being derived from taxes on spirits, tobacco, fermented liquors and fines for violating the internal revenue laws. The income from the public lands is from sales of land, fees and surveys. By "other sources" is meant the receipts of the patent-office, copyrights, escheats, fines, penalties, etc.

242. Government Expenses.—The expenses of the Federal Government are—

1. The principal and interest of the public debt;
2. The expenses of the Government for salaries, care of Government property, etc.;
3. The expenses of the army and navy;

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* The amount of the national debt, Jan. 1, 1900, was $1,417,895,460.42.

4. The expenses created by the Civil War: for pensions, war-claims, etc.;
5. The expenses necessary for the support of Government institutions, museums, hospitals, scientific investigations, internal improvements, and for all other measures instituted to promote the general welfare of the people.*

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* The total revenue of the Federal Government for the fiscal year ending June 30, 1899, amounted to $516,216,745.00.

The total expenditures of the Federal Government for the fiscal year ending June 30, 1899, amounted to $605,092,734.00.

The excess of expenditures over receipts for the fiscal year ending June 30, 1899, was $88,875,989.00.

The total amount of money in circulation Jan. 1, 1900, including gold, silver, gold and silver certificates, treasury notes, United States notes, currency certificates and national bank notes, was $1,980,398,170.

CHAPTER XV.

THE CITIZEN.

243. How Considered in American Law.—A citizen is a person born or naturalized in the United States. Men, women and children are citizens. Those citizens who have the right to vote are electors. Native electors may fill any office within the gift of the people, and naturalized electors are eligible to any State or Federal office except that of the President and of the Vice-President. Since it is now possible for a member of the Cabinet to succeed the President in some contingencies, it is improbable that hereafter naturalized citizens will be called into the President's Cabinet, as they have been in several administrations in the past. A citizen of the United States residing in any State of the Union is a citizen of that State. Naturalized persons first become citizens of the United States, and then by right become citizens of the State in which they choose to reside. The naturalization of an alien naturalizes his wife and those of his children who are under age. The children of an alien who are born in this country, if they continue to live here, are considered natives; they may, however, when they become of age, elect to become citizens of the country of which their father was a citizen. Children of American citizens born in foreign lands are considered American citizens, unless when they become of age they elect to become citizens of the foreign country. Citizens of the United States are entitled to the protection of the American Government. Every citizen is born with industrial, political, legal, social and moral rights and duties.

244. An Industrial Person.—It is my right and my

duty as a citizen to exercise my powers industrially. In order to do this I require training and education, which are imparted to me by my parents and by the State organizing its efforts in a system of public education. Education is given to me as an opportunity in life at the expense of the community, which is taxed to support an educational system. Schools of high grade, such as technical schools, colleges and universities, offer more extensive means for training and acquisition, but not usually at the expense of the State. In most of the States, however, exist institutions of learning of higher rank than that of the common school, at which, if I choose, I may obtain further preparation for my work in life. As an industrial person I should equip myself to do some necessary and honorable work in the world; by training and acquisition protect myself against poverty and distress, and secure the comforts of life to those who may be dependent upon my efforts. My first duty is to acquire a reasonable degree of skill that shall employ me in a manner most worthy of my powers. Life is real, and I must be prepared to act my part amid its realities. Not alone training the mind by means of books, but manual training and actually learning things and men, and thinking accurately and swiftly about them, constitute my best preparation for the industrial life.

245. A Political Person.—As a citizen I am a political person, governing and being governed. I participate in the life of my generation, discuss public questions, listen to others, join a political party which best expresses my conscientious views, and to the best of my ability I act with that party for the welfare of my locality, my State and my country. In order to do this I must be acquainted with the nature of the government of which I am a part. My knowledge must extend to the examination of the motives of men, the duties of citizenship, the record of political parties, the consequences of political actions and the probable effect of those political measures which I support

or oppose. Newspapers, books, travel, inquiry, information of all kinds, must be made subservient to that wise knowledge of men and measures which alone can make me a thinking citizen instead of an ignorant partisan. If an elector, I must vote as wisely as my judgment permits, and I must use my individual influence to secure purity in elections, official honesty and fidelity, and, above all, to create a wise and conscientious citizenship. This is a government "of the people, by the people and for the people." Therefore the people must be wise, just and faithful.

246. A Legal Person.—As a legal person I am in certain relations to men and to things. I indirectly make the laws if an elector, or directly if a legislator. I am subject to the laws. I inherit or obtain property, and thereby must assume responsibilities. I stand in personal relations, such as husband to wife, parent to child, child to parent, guardian to ward, brother to sister, employé to employer. In all of these relations I am responsible for my conduct. The ownership of property brings me into direct relations with the government, because my property aids in continuing that government. I am anxious for peace and prosperity, and must conduct my business according to the spirit as well as to the letter of the laws. If my services are demanded by the State or by the nation to carry arms for the defence of my country, I must go willingly, and personally assist in continuing or in restoring the blessings of liberty to my fellow-citizens. I am liable to jury-service and to the duties incident to official service, provided I am called to serve in a public capacity. In my business relations I am constantly subject to the performance of my contracts, whether expressed or implied. I am responsible for the payment of taxes to the local and to the State authorities. I have right to sue and to be sued, to appeal to the protection of the law if I am injured by another, and to have a free, full, speedy

and impartial trial before a jury of my peers in case I am the defendant in a case at law. My legal rights are jealously guarded by the laws of the land and by the Constitution of the State and of the United States. My principal legal right is my equality of right with my fellow-citizens before the law.

247. As a Member of Society.—As a member of a free society composed of my fellow-citizens I enter a large group of relations. There are innumerable duties and rights necessary to the welfare of society which must be observed by the citizen, although there may be no special law requiring their observance. Mere laws cannot make society good. Laws are not better nor wiser than the community which enacts them. The unwritten laws of society are often more potent than the written laws. Public opinion praises or condemns human actions. I contribute to public opinion by expressing my own. I influence society by my character, my manner of life, my opinions, my use of property, my treatment of others, my ideas of right and wrong, my entire conduct as a human being. I must therefore consider the rights of society as general rather than as particular, as affecting masses of men rather than individuals. Society implies citizens as a community of moral persons. Public morals are not likely to be better than private morals; public opinion is colored by the private opinions of energetic men and women. As a member of society my duties enlarge to the consideration of "Who is my neighbor?" I must so live that the motives and principles that actuate and direct my life, if applied as a rule, would operate for the welfare of society.

248. As a Moral Person.—Government is moral because the individuals who constitute it are moral in their nature. All that tends toward goodness and happiness and honor and civilization is moral. Unfortunately, there are criminals and evil men in human society. These must be controlled or removed. Prisons and jails are as

necessary as school-houses and churches. Great cities are crowded with the vicious and the unfortunate, whose children are endangered by evil associations and whose training is accidental or immoral.

Morality is fostered by industry, sobriety, righteousness and self-government. There is something within me that tells me of higher relations than those of earth. I have aspirations for eternal life. I know that God is; that right makes might; that morality conduces to my welfare, to the welfare of society and to the peace of the whole world. My moral relations are the loftiest which I can possibly sustain, because by them I stand a brother to my fellows and a child of God.

The chief duty of a citizen of the United States is to use his influence, and if he is an elector to deposit his vote, for purity in politics and for the education of the people, industrially, politically and morally.

CHAPTER XVI.

THE PEOPLE IN POLITICS.

249. Distrust of the People.—The only experiment in human history of popular government on a grand scale is the Government of the people of the United States. At the time of its organization the people of Europe disagreed as to the probable result of the experiment. Few believed that the new Republic would long survive the shocks incident to so novel an undertaking. Could a Government so constituted long endure? Would it not fall a prey to party greed, to factions, to political conspiracies or to the riot of the mob? Were the masses capable of self-government? Could the people be trusted to secure and to maintain their own substantial happiness? Could the governing and the governed become the same without the overthrow of all government? These questions, and many others like them, were asked a hundred years ago when the Government of the people of the United States began. In ancient times there were republics, such as Greece, and during the Middle Ages, such as those in Italy; but these republics decayed, and their very names are almost forgotten.

250. Influence of Traditions.—What has prevented the decay of the Government of the people of the United States?

Perhaps the first answer is, We did not break away entirely from our traditions when we organized a government for ourselves. An enduring government is composed of many elements, all of which may be arranged in two classes: those which are *institutional*, and those which are *constitutional*. The institutional elements are those

which enter into the way of life habitual to the people—their manner of thinking, their social institutions, their schools and their churches, their books and their papers, their industries and their amusements. The constitutional elements are political: they are such elements as gather about great public questions, methods of governing men, of repressing or of removing crimes and evils, of protecting interests and rights, and of securing these rights for the general welfare. Our traditions as a people aided us in developing our institutions from the past without a serious break; Europe instructed us in art and science, but we were obliged to form our constitutions chiefly by our own political experience. Fortunately for us, the men who were prominent in organizing our Government were conservative men. They were influenced by two systems of government at that time attracting the attention of the world: the English system of a constitutional monarchy, and the French system of a mixed democracy then advocated by French political writers. They adopted a system of representative democracy, which embodied the best elements of both; and to this day the chief executive and the Senate, by the system of indirect election by the people, and the judiciary of the United States, by Federal appointment, continue the conservative elements peculiar to the English Government to which our fathers had been accustomed for many years. In the choice of our local officers, our State officers, and members of the national House of Representatives we approach closer to a democracy, but the approach is by the system of representation. Thus our Government, whether State or national, is a representative democracy.

251. Political Experience.—During the century mistakes have doubtless been made, but the general tendency of political affairs has been to promote the welfare of the people.

During the earlier years of our history the Constitution

of the United States was the sole guide of our political leaders. It was then unincumbered by party interpretations and collateral growths. It was the text of an instrument awaiting interpretation by the will of the people. That interpretation has slowly grown with our national growth, and as we enter upon the second century of our history we possess a political experience which will aid us in avoiding many possible dangers of the future.

252. Equality Before the Law.—In a popular government, if one citizen suffers unjustly the rights of all are endangered. Equality before the law is the inborn right of every American citizen. Any element in our national life which endangers that fundamental right endangers our whole frame of government. The principal object of any organized government is to secure to the citizen his rights, to protect them, and so to constitute the public mind that nothing less than complete security and perfect protection will satisfy the conscience of the nation. All political combinations, all rings and monopolies, all corporations and social arrangements, which endanger the equal rights of each citizen before the law, must be torn up by the roots and cast away.

253. Origin of Political Parties.—On public questions, however, all men do not and cannot think alike. The very function of government is always in dispute. Shall the Federal Government be extended so as to include practically all local government under the excuse of promoting the general welfare? Shall the Federal Government limit itself wholly to administrative duties, attempting nothing for the individual citizen, but leaving his interests entirely to the care of the State? Shall the Federal Government be made paternal in its relations to the people? On these fundamental questions the people have widely differed. Political parties have sprung up among them, and have at last become so characteristic of popular government in this country that it is practically impossible

to conduct our Government without the intervention of them. A political party is an organized body of men acting together to accomplish certain results in matters of government.*

254. Contrasts and Comparisons.—When Washington was first chosen President political parties did not exist in the country, but they began during his second term. Then, and for nearly a quarter of a century after, political parties were local rather than national in character. The means for intercommunication were so imperfect that it was impossible for men living in distant parts of the country to organize and to transact political business with harmony and dispatch. Political parties have become organized forces in this country just as the means for communication between different parts of the country have been perfected. The age of post-horses gave way to the age of coaches; coaches were displaced by canals, and canals by railroads and telegraphs. When Hamilton was the leader of the Federal party in 1800, it took three months to carry his views to men of the same mind in distant Georgia, so difficult was the journey from New York to Savannah. To-day, the views of a national committee in New York are known in a few minutes in Galveston or in San Francisco. In Hamilton's day only the leaders participated in politics; the majority of men were disqualified by poverty or deterred by lack of interest from voting. The electors then voted *viva voce*, except in a few States which, like Massachusetts, had introduced the ballot. Now the use of the ballot is universal, religious and property qualifications have disappeared, and a man has the right to vote because he is a man.

255. The Organization of Political Parties.—With the more perfect means of communication of ideas in the land, political parties have become more perfectly organ-

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* See ¶ 73, p. 44.

ized, until the perfection of party organization has occasioned the use of the word "machine" as descriptive of party methods. Each party is ruled by its committees, which begin in the township, the ward and the town. The ward committee sends a delegate to the convention of ward committees, and the city or county committee is chosen by the convention. County and city committees send delegates to State conventions, and State committees are chosen. The State committees are instrumental in choosing the greatest committee of all, the national committee, which usually directs a Presidential campaign, disburses the party funds, distributes the party speakers, and assists the various State committees whenever it is necessary. The work of the party machine is so concealed from public attention that even in the midst of a campaign it is scarcely detected. So strong is the power of a political party that it sometimes invades individual rights and attempts to dictate how individuals shall vote. Individual duty and party obligations sometimes conflict; the only safe guide for the individual is his conscience.

250. Party Influences.—Political parties have become mighty forces amongst us. They have grown with our growth as a people; they support influential newspapers; they print millions of political pamphlets and scatter them over the land. Books, magazines, public addresses on all phases of public questions, keep the people familiar with the various views of the leading minds of the country. Steam, electricity, industrial and commercial interests, bring the people into close political relations. It follows that the people divide into two great parties, which are to-day so closely balanced that the change of a thousand votes in a doubtful State may decide the result in a Presidential election. A small popular majority in a national election is evidence that the people are so equally divided in sentiment that they are about as willing to trust one party with power as the other. Political parties in the

days of their strength have been moderate in the United States. President Hayes became President by a majority of one vote in the electoral college, yet there was no attempt to prevent his peaceful inauguration into office. It is doubtful whether in a similar case during the first sixty years of our history the opposing party would have allowed a President to be inducted into office.

257. Americans Conservative.—The reason for the change in public sentiment is found in the growth of the spirit of conservatism in the United States. We are a conservative people, although foreign observers do not always detect that element in our national character. Since President Jackson's administration the Government of the United States has become more democratic, the popular vote has reached its full strength, and the people participate closely in the determination of all important political issues. American conservatism is plainly seen in the respect for the law which is so characteristic of the people. Although a law may be bad, the people act on the principle that the best way to get rid of a bad law is to enforce it.

258. Political Issues.—The numerous public questions on which at various times the people have divided have taken significance from their intrinsic nature or from the times and circumstances under which they have arisen. The settlement of some of these issues has decided the character of the nation. Of these issues the most important were—the Assumption of the Revolutionary debt, the National Banking System, Internal Improvements, the Acquisition of Territory, Commercial Rights on the High Seas and the Payment of the National Debt.

National issues usually become State issues as well, because an elector in the United States is usually a partyman even in local politics; he supports his party candidate for school director with as much zeal as he supports his party candidate for Congress. On political issues political

parties have not always maintained opposite doctrines. One party may favor internal improvements under one system, the other party favor it under another.

259. Platforms and Planks.—Each party usually formulates its opinions somewhat loosely in a series of resolutions called a "platform," passed by a party political convention. Each resolution is called a "plank." Party platforms do not always state the full intentions of the party, but every member of the party understands or claims to understand them. The campaign opens, the appeal is made to the people, the ballots are cast and counted; the issue is settled until another election may again bring it forward for popular decision. The victorious party is the organ chosen by the people by which to administer the Government for a limited time.

260. Politics and the Constitution.—Foreigners who study our Government are apt to construe all our politics by our written constitutions, forgetting that our party politics take up questions which we consider entirely outside of the Constitution. The Constitution says nothing about a tariff, although it mentions "taxes, duties, imposts and excises." A tariff bill is a revenue bill, and the principal issue between the two great parties in 1892 was simply a question of Government revenue. The question then was not, "Shall the Government have a revenue?" but, "How shall the revenue be raised?" The constitutionality of a tariff was settled during the first Congress; the expediency of a tariff or how much tariff or on what articles may become a question at any national election.

261. Function of Parties.—By means of political parties the people become closely familiar with the administration of their Government. They become acquainted with its wants, its scope and its character. They see that the Government is the will of the majority expressed by the administration in power. If the party in power makes bad use of the trust imposed upon it, it is turned out of

office at the next election and the people try the other party. The responsibility to the people of the party conducting the Government is direct, and is felt in the daily life of each citizen. If my letters go wrong, I complain to the postmaster; if they continue to go wrong, I complain to the Postmaster-General. I blame the party in power represented by the President, and to the best of my ability I use my influence to prevent the continuation of that party in power. My reason for opposing that party may be utter folly to another man, but if my reason can be formulated in a party principle, I usually find many of my fellow-citizens who agree with me. If I doubt the wisdom of the party's action in Congress, I vote against that party when an election occurs. Thus it follows that I as a private citizen, joining with other private citizens, may change the administration.

A government like our own, based upon a free people acting through political parties constituted and organized out of its own body, is a government in which its whole responsibility rests upon the citizen. I am responsible with my fellow-citizens for the political condition of affairs; I, a private citizen, exercising my rights and performing my duties, with the aid of my fellow-citizens, determine the life and character of the Government of which I am a constituent part.

262. Political Reforms.—The people have not always taken the lead in great reforms. Too often the masses are slow to detect the tendency of affairs and the necessities of the times. Leaders have then come forward; evil after evil has been exposed and attacked; the people have listened, have thought, and at last have acted. Then the party of reform becomes the party administering the Government, and the nation reaches a loftier moral height than before. And it has happened that a party has changed its opinions, and after many years has become the defender of views which it opposed when first presented. Political

parties in this country are a correct indication of the public mind.

263. Mobs and Courtesies.—With the changes in the social, industrial and moral life of the people a change has occurred in their political life. In early days the members of different political parties wore badges and hats and ribbons as party-marks. Political differences then were occasion for constant broils between individuals, and even the cause of fatal duels, as in the case of Hamilton. Members of different political parties then were disrespectful to each other in the street, lampooned each other through the newspapers, attacked each other's political headquarters and wantonly destroyed each other's property. Party rancor invaded the courts of justice and animated the judges against political offenders because of party opinions. The press was violent in its tone, and political pamphlets of an abusive nature were issued. The masses were ignorant, passionate and easily aroused. Political processions were common occasions for serious riots; the polling-place was too often the scene of disorder. But with the increase of knowledge among the people political life has changed. No longer are riot and abuse and violence and judicial partisanship found. The whole feeling and thought of the people have been modified. In the city of Philadelphia, during a recent Presidential campaign, a Democratic procession accidentally came in contact with a Republican procession. On the same spot, nearly a century ago, Federalists and Anti-federalists had met in a bloody riot during the excitement of a Presidential campaign; but now with orderly presence and with hearty cheers the men in the Republican lines saluted their fellow-citizens of the opposite party, and opened their lines to allow them to pass; and the salute was returned with generous courtesy by the men in the Democratic lines. It is a mistake to think that politics are worse to-day than in the days of our fathers; the politics of to-day are purer,

cleaner and better than the politics of the early days of the Republic. With the liberalization of ideas has come a liberalization of politics; not yet perfectly, for there is yet much in our politics that needs reform. Upon the individual citizen rests the responsibility of purity in elections, purity in party politics and honesty in the administration of government.

264. Liberty Enlightening the World.—In the harbor of the city of New York may be seen the statue of "Liberty Enlightening the World," a splendid gift from the people of France to the people of the United States. At night the uplifted torch, held high for the guidance of vessels, casts its friendly light for many leagues far out to sea. Typical of the friendship of two powerful nations of modern times, it is typical also of that sublime aspiration now so universal in the world, the love of liberty. Standing in the highway of the world's commerce, it suggests the spirit which controls the worldwide interests of the people of the United States and the interests of the other civilized nations of modern times. One touch of human brotherhood makes the world akin; one simple word of English speech signifies the sublime purpose of the foundation of popular government in this Western World. Faithful to the traditions of the past, mindful of the teachings of our fathers, keenly vigilant to the dangers that beset us, conservative in our thoughts and in our ways, faithful to each other, to ourselves and to God, we, the people of the United States, may transmit to our posterity a Government which shall continue to the latest day of the children of men.

"LIBERTY ENLIGHTENING THE WORLD."

CHAPTER XVII.

THE NATION.

265. The Elements of the Nation are the People and the Land. The Nation has human nature for its foundation—men in political, industrial, moral and social association. The Nation is a moral organic whole, not a confederation of individuals as a heap of sand is an accumulation of individual grains. The Nation is distinct from a mob, a party, a faction, or an association of individuals. It is distinct from the offices required for the formal expression of its government. It is distinct from its constitutions and its treaties. It is the people, not merely as enumerated in the census, but as a moral unity. One race, one land, one law, make a Nation.

266. The Nation Different from the State.—The State is a political division of the Nation: it is a part of the whole political life of the people. Each State has local interests equal in importance with those of other States, but limited chiefly to the people of that State. The interests of the Nation are unrestricted by State boundaries, and are comprehensive. The rights of the Nation are true of all its citizens, the political people; the rights of the State are true strictly of the people who comprise that State. Therefore the Nation has a broader foundation than the State, because its rights are the most comprehensive rights of the people. The sovereignty of the State is local; the sovereignty of the Nation is general. There need be no collision of these two authorities: each of them is an expression of the will of the people. The two sovereignties are two expressions of the association of

rights and interests. Nor are these interests of State and of Nation far remote from each other; they unite in the citizen. As a citizen of a State I am interested in things immediately near me; I am interested in the choice of local officers, in the honesty of the assessor of taxes and in his sound judgment; in the construction of strong bridges and durable roads in the township in which I live; or, if I live in a city, I am interested in having an abundance of pure water, in having clean streets and sanitary drainage, in the protection of property from fire and flood, and in many other local matters.

As a citizen of the Nation I am interested in the general welfare of the whole land; in the policy of the Federal Government; in the survey of the public domain; in the uniformity of the currency, in banking operations, in postal facilities, and in the political rights of all citizens of the United States. I am interested in our relations with foreign nations, as in trade, commerce, social intercourse, the peace of nations and the civilization of man.

As a citizen of the State I am bound by local ties; as a citizen of the Nation I partake of one of the highest of sovereignties and am one of a company of sovereigns. This national sovereignty becomes of highest concern to us as Americans, because it is founded upon free men; it exists by the consent and with the constant aid of a free people. The Nation thus becomes a personality moving in a larger field than the State. It becomes the embodiment of rights, of freedom, of law, of individuality, of the family, of morality.

267. The Sovereignty of the Nation.—The Nation alone is sovereign. Its will is expressed from time to time by its chosen representatives acting together in convention. The Nation is older than the written Constitution. As a sovereign it determines for itself its aim and its object in history. It declares its will and embodies its spirit in its institutions. Its sovereign rights are those of self-preserva-

tion, the power to declare war and to conclude peace, to enter into treaties with other nations, to coin money and to exercise the right of eminent domain. No powers can be greater than these. They identify the Nation as a conscious moral being. As a sovereign the Nation enters into relations with other nations by treaty. A treaty thus made becomes a part of the supreme law of the land. International law is thus made possible by the comity of nations, and individuals may partake of the benefits thus conferred by solemn agreements between the sovereigns.

268. The Nation and the Citizen.—The existence of the citizen is necessary to the existence of the Nation, and the Nation is necessary to the existence of the citizen. The Nation is not apart from the citizen; he is in and of the Nation. In it and through it he realizes his rights and is protected in them. The individual is a moral person; so is the Nation. Each has a law peculiar to its own being. Both have an origin by the will of God, and each moves in the world as a moral power. Society is thus composed of moral elements; "Man is born a citizen." The citizen has his own destiny to work out consistent with the moral order of the world. All he can realize is made possible to him by his own nature, and he is responsible for the exercise of his own powers. When every citizen, conscious of his industrial, his political, his social and his moral responsibilities, lives consistent with the laws of his moral nature, then, and not till then, has the Nation its full strength and the citizen a realization of a complete life. The Nation complements the moral activities of the citizen, and institutes and maintains for his benefit a field for his reasonable activities and his moral development. The Nation is thus bound to educate the citizen harmoniously, offering him opportunities for industrial, political, social and moral training. It has as a constant function the placing within his reach the realization of his loftiest hopes and his moral purposes, and to exalt his manhood and ennoble human

life with human sympathy and brotherly affection. The majesty of law, the authority of Government, the solemn declarations of treaties and constitutions, gather like a benediction on the sacredness of the family and the home.

269. The Foes of the Nation are those who would resolve it into selfish, warring, individual elements, and those who would raise the arbitrary will of an individual into supremacy. One would disintegrate the Nation; the other would change it into a monarchy; one is destructive of the moral unity of the Nation; the other destroys the freedom of the people.*

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* Communism, Socialism, Nihilism and Anarchism are elements of danger to the Nation.

Communism seeks social perfection in a putting in common of persons and of things; it destroys the family and private property. It attacks the foundations of modern society.

Socialism seeks to modify existing laws, manners and customs, especially those relating to property, capital, labor, rent, taxation and the ownership of public franchises by the Nation, the State, the city, the county and the town. To the conservative, the changes suggested by Socialists seem fanciful and destructive of civil government.

Nihilism, as the name signifies, is the negation of all government. It seeks to overthrow all existing civil government by assassination, dynamite bombs or revolutionary measures of any kind. Nihilism is the organization of revolt against the autocracy and enthroned selfishness of absolute monarchy. The political exiles in Siberia are principally Nihilists. Anarchism and Nihilism are practically the same forms of lawlessness.

Societies and individuals holding and teaching ideas destructive to the welfare of our country have within recent years caused riot and bloodshed in several of our great cities. Without doubt, the people of the United States harbor foreigners who hold political ideas wholly at war with those which lie at the foundation of our free Government. It is the duty of every American citizen to know his rights and to perform his duties; to understand the privileges of his own government; to carry out its humane principles; and to eradicate, by lawful means, all influences injurious to the peace and welfare of his native land.

270. The Nation the Permanent Element in History.—The Nation alone is permanent; it is as old as history. Governments are the passing forms of nationality. The mission of the Nation on the earth is to enfranchise man, to exalt humanity, to realize a divine idea among men. God rules in the affairs of men; he is the God of nations also. Centuries pass; new faces come and go; new voices are heard over the earth; other hands labor, and other men enter into their labors with the glory of new duties and the enthusiasm of the exercise of new rights. A pure morality, a lofty statesmanship, a sacrificial devotion among the people to the rights and duties of citizenship, alone keep the Nation from decay. Invention and discovery ameliorate the condition of men; science and art enlarge the bounds of human knowledge; but the Nation alone as a moral power in the world can carry on the work of history. "The Nation is formed as a power on the earth. It is invested with power of God; its authority is conveyed through no intermediate hands, but is given of God. It is clothed with His majesty on the earth."

271. The National Flag and Seal.—The symbol of the Nation is the flag; the evidence of the authenticity of its decrees is the great seal. To an American the flag of his country is an object of veneration; to the people of other lands it is the symbol of liberty, union, peace, happiness and prosperity. Wherever the flag floats the voice of the Nation is heard, and the imprint of the great seal is the solemn proof of its message. The honor of the Nation is the honor of its flag.

272. The People of the United States.—To the people of the United States are entrusted the sacred interests of government. Each citizen is the keeper in trust of the happiness of himself and of those who will come after him. The people are the Nation, and they are to work out on earth the realization of human rights, industrially,

politically, socially and morally. As the Nation is the power that alone realizes the ends and purposes of government, it is by understanding the Nation that we learn the rights and duties of American citizenship. It is for the nations of moderm times to realize the hopes of humanity, to be the answer to the prayers of the ages. Popular government is the great experiment of history. The voyage is already begun. We cannot turn back. We are one of an argosy of nations moving toward the freedom of humanity.

"Thou, too, sail on, O Ship of State!
Sail on, O Union strong and great!
Humanity, with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What workmen wrought thy ribs of steel,
Who made each mast, and sail and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope.

"Fear not each sudden sound and shock:
'Tis of the wave, and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale.
In spite of rock and tempest roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea.
Our hearts, our hopes, are all with thee:
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee."—LONGFELLOW

PART IV.

STATE PAPERS.

"A lawyer lecturing on the Constitution of the United States would necessarily start from the Constitution itself. But he would soon see that the articles of the Constitution required a knowledge of the Articles of Confederation; that the opinions of Washington, of Hamilton, and generally of the 'Fathers,' as one sometimes hears them called in America, threw light on the meaning of various constitutional articles."—DICEY.

"The Government of the People of the United States can be best understood by examining, at first hand, the institutions and the constitutions of the American people. Every American citizen has the inestimable and peculiar privilege of examining for himself the sources of the Government under which he lives. 'It is only religion and morals and knowledge that can make men respectable and happy under any form of government.'"—WEBSTER.

STATE PAPERS.

THE MAYFLOWER COMPACT, 1620.*

In the name of God, Amen; We, whose names are underwritten, the loyall subjects of our dread soveraigne King James, by the grace of God, of Great Britaine

* Among the Pilgrims were some lawless adventurers who thought that as soon as they came ashore they could do as they pleased, and that no one would have power to restrain them, because the patent under which the Pilgrims came was for Virginia, not for New England, which was governed by another company. But the men who made the Mayflower compact embodied the best tendencies and traditions of English government, and now, tried by the demands of a primitive state of society, were equal to them. Although the king's government was far away, the law-abiding men among the colonists at once associated themselves together under a form of government based upon the popular will, and lawlessness was quickly restrained or punished.

"That wild fellow, John Billington, and others from London have been obliged to behave themselves on shipboard; but, now that they are about to land, declare that they will do as they please. John Carver will have no authority on shore; they will be in the king's domain, and John Carver holds no commission from the king, nor have the Pilgrims any charter. The Pilgrims will see about that. They are men who respect law and order, and intend to have order in their community. It is their *right*—not derived from the king, but a *natural* right. In the cabin of the ship they sign their names to a solemn covenant."—Coffin.

"This instrument was signed by the whole body of men, forty-one in number, who, with their families, constituted the one hundred and two, the whole colony, 'the proper democracy' that arrived in New England. Here was the birth of popular constitutional liberty. In the cabin of the Mayflower humanity recovered its rights, and instituted government on the basis of 'equal laws' enacted by all the people for the general good."—Bancroft.

France, and Ireland King, defender of the faith, etc., haveing undertaken, for the glorie of God, and advancemente of the Christian faith and honor of our king and countrie, a voyage to plant the first colonie in the Northerne parts of Virginia, doe, by these presents, solemnly and mutually, in the presence of God, and one of another, covenant and combine ourselves together into a civill body politick, for our better ordering and preservation and furtherance of the ends aforesaid; and, by vertue heareof, to enacte, constitute, and frame, such just and equall laws, ordenances, acts, constitutions and offices, from time to time, as shall be thought most meete and convenient for the generall good of the Colonie. Unto which we promise all due submission and obedience. In witnes whereof we have hereunder subscribed our names, at Cap Codd, the 11th of November, in the year of the raigne of our sovereigne lord, King James, of England, France, and Ireland the eighteenth, and of Scotland the fifty-fourth, Anno Domini, 1620.

THE FIRST DECLARATION OF RIGHTS.*

Resolves of the Convention of the English Colonies at New York, October 19, 1765.

THE Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America:

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament.

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* From 1620 to 1765 the people of the colonies increased rapidly in numbers and in wealth. Their own interests and their relations with the mother-country became more complex. The English Government trespassed repeatedly upon the natural and the constitutional rights of the Americans, until, at the suggestion of the Massachusetts legislature, a congress of representatives from nine of the colonies met at the City-hall, New York, October 7, 1765, by whom a Declaration of Rights, setting forth the liberties of the colonies, was issued. The people were still loyal subjects of the Crown. They were a conservative people, proud of their traditions and calmly asserting their *ancient and undoubted rights*. The declaration was the dignified appeal of a liberty-loving people to the king, that he should protect them in their rights.

1. That His Majesty's subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural-born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies, are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the Crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to His Majesty, the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations, in America, etc." by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty be-

yond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately centre in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

THE DECLARATION OF INDEPENDENCE—1776.*

IN CONGRESS, JULY 4, 1776.

The unanimous Declaration of the thirteen United States of America.

WHEN in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government be-

* The Declaration of Rights was unheeded by the king; the liberties of the people were set at naught by the British Parliament; and the Americans were forced, in self-preservation, "to assume among the powers of the earth" the character and position of an independent nation. The conservative character of the people was again illustrated in the calm and dignified spirit of the great state paper which was issued to the world. It was the formal declaration of political opinions long current in America, and constitutes the first national paper in our history. By its promulgation popular government on a grand scale began. The people of the colonies declared themselves a new nation.

comes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object, evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Leg-

islature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our People, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislature.

He has affected to render the Military independent of and superior to the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our Laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed men among us:

For protecting them, by a mock Trial, from Punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty, and perfidy scarcely paralleled in the most barbar-

ous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing

to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved: and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the Protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

ARTICLES OF CONFEDERATION—1777.*

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names, send greeting.

WHEREAS the Delegates of the United States of America in Congress assembled did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the words following, viz.

"*Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

ARTICLE I. The style of this confederacy shall be "The United States of America."

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* The Declaration of Independence was the prelude to a preliminary national constitution, The Articles of Confederation. Some provision for a general government was recognized as necessary. Obeying the lessons of their own experience of two centuries and a half of local government, the representatives of the people, in Congress assembled, adopted a constitution for the Confederation of States which the colonies had become. The Articles of Confederation constitute our firs effort to form a "perpetual Union."

ARTICLE II. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled.

ARTICLE III. The said States hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State on the property of the United States, or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governor or Executive power, of the State from which he fled, be delivered up

and removed to the State having jurisdiction of his offence.

Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States, in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress, and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE VI. No State without the consent of the

United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any king, prince or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defence of such State, or its trade; nor shall any body of forces be kept up by any State, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such State; but every State shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field

pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay, till the United States in Congress assembled can be consulted: nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE VII. When land-forces are raised by any State for the common defence, all officers of or under the rank of colonel, shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States,

in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States within the time agreed upon by the United States in Congress assembled.

ARTICLE IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace —appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences

now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other cause whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress, stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the Secretary of Congress shall strike in behalf of such [illegible] absent or refusing; and the judgment and sen- [illegible] court to be appointed, in the manner

before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgment, shall take an oath to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection or hope of reward:" provided also that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdiction as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States—fixi the standard of weights and measures throug

United States—regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated—establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing thro' the same as may be requisite to defray the expenses of the said office—appointing all officers of the land forces, in the service of the United States, excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated "a Committee of the States," and to consist of one delegate from each State; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money, or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted,—build and equip a navy—to agree upon the number of and to make requisitions from each State for

its quota, in proportion to the number of white inhabitants in each State; which requisition shall be binding, and thereupon the Legislature of each State shall appoint the regimental officers, raise the men and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a

commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X. The committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine States in the Congress of the United States assembled is requisite

ARTICLE XI. Canada acceding to th ›n, and joining in the measures of the U ıl be admitted into, and entitled to all t this Union: but no other colony shall

the same, unless such admission be agreed to by nine States.

ARTICLE XII. All bills of credit emitted, monies borrowed and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pledged.

ARTICLE XIII. Every State shall abide by the determinations of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the Legislatures of every State.

And whereas it has pleased the Great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union. Know ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained: and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confedera-

tion are submitted to them. And that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.*

THE PREAMBLE.

"WE, the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

ARTICLE I.

THE LEGISLATIVE DEPARTMENT.

Section I.—The Congress in general.

"All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

Section II.—The House of Representatives.

1. "The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

2. "No person shall be a Representative, who shall not have attained to the age of twenty-five years, and been seven

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* The Articles of Confederation proved by experience inadequate to the wants of the people of the United States, and they were supplanted by the Constitution.

"The American Constitution, with its manifest defects, still remains one of the most abiding monuments of human wisdom, and it has received a tribute to its general excellence such as no other political system was ever honored with."—FREEMAN.

years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

3. "[1] Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three."[1]

4. "When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies."

5. "The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment."

Section III.—The Senate.

1. "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."

2. "Immediately after they shall be assembled, in consequence of the first election, they shall be divided as

[1] This clause has been superseded by Amendment XIV

equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies."

3. "No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen."

4. "The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided."

5. "The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States."

6. "The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief-Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present."

7. "Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

Section IV.—Both Houses.

1. "The times, places, and manner, of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

2. "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day."

Section V.—The Houses Separately.

1. "Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide."

2. "Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member."

3. "Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal."

4. "Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

Section VI.—Privileges and Disabilities of Members.

1. "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law,

and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place."

2. "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person, holding any office under the United States, shall be a member of either House during his continuance in office."

Section VII.—Mode of Passing Laws.

1. "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

2. "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented

to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law."

3. "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a case of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

Section VIII.—Powers Granted to Congress.

1. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States."

2. "To borrow money on the credit of the United States."

3. "To regulate commerce with foreign nations, and among the several States, and with the Indian tribes."

4. "To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States."

5. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

6. "To provide for the punishment of counterfeiting the securities and current coin of the United States."

7. "To establish post-offices and post-roads."

8. "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries."

9. "To constitute tribunals inferior to the Supreme Court."

10. "To define and punish piracies and felonies committed on the high seas, and offences against the law of nations."

11. "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

12. "To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years."

13. "To provide and maintain a navy."

14. "To make rules for the government and regulation of the land and naval forces."

15. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions."

16. "To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress."

17. "To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square), as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings," and

18. "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the

Government of the United States, or in any department or officer thereof."

Section IX.—Powers Denied to the United States.

1. "The migration or importation of such persons, as any of the States, now existing, shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

2. "The privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it."

3. "No bill of attainder, or *ex post facto* law, shall be passed."

4. "No capitation or other direct tax shall be laid, unless in proportion to the *census* or enumeration, herein before directed to be taken."

5. "No tax or duty shall be laid on articles exported from any State."

6. "No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties, in another."

7. "No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published, from time to time."

8. "No title of nobility shall be granted by the United States: and no person, holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Section X.—Powers Denied to the States.

1. "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility."

2. "No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress."

3. "No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

ARTICLE II.

THE EXECUTIVE DEPARTMENT.

Section I.—President and Vice-President.

1. "The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:"

2. "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of

trust or profit under the United States, shall be appointed an Elector."

3.* "The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such a majority, and have an equal number

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* This clause has been amended and superseded by the Twelfth Amendment to the Constitution. By the provisions of the original clause the person in the electoral college having the greatest number of votes (provided he had a majority of the whole number of electors appointed) became President, and the person having the next greatest number of votes became Vice-President, thus giving the Presidency to one political party and the Vice-Presidency to another. In the year 1800 the Democratic Republicans determined to elect Thomas Jefferson President and Aaron Burr Vice-President. The result was that each secured an equal number of votes, and neither was elected. The Constitution then, as now, provided that in case the electoral college failed to elect a President, the House of Representatives, voting as States, should elect. The Federalists distrusted and disliked Jefferson; the Democratic Republicans and some of the Federalists distrusted and disliked Burr. The vote in the House on the thirty-sixth ballot gave the Presidency to Jefferson and the Vice-Presidency to Burr. In order to prevent a repetition of so dangerous a struggle, the Twelfth Amendment, by which the electoral votes are cast separately for the candidates for President and for Vice-President, was proposed by Congress Dec. 12, 1803, and declared in force Sept. 25, 1804.

of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President."

4. "The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States."

5. "No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States."

6. "In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected."

7. "The President shall, at stated times, receive for his a compensation, which shall neither be increased ıished during the period for which he shall have

been elected, and he shall not receive within that period, any other emolument from the United States, or any of them."

8. "Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.'"

Section II.—Powers of the President.

1. "The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment."

2. "He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior offic think proper, in the President alone, in the w, or in the heads of Departments."

3. "The Presiden to fill up all vacancies that may ha of the Senate, by granting commis at the end of their next se

Section III.—Duties of the President.

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States."

Section IV.—Impeachment of the President.

"The President, Vice-President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

ARTICE III.

JUDICIAL DEPARTMENT.

Section I.—United States Courts.

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office."

Section II.—Jurisdiction of the United States Courts.

1. "The Judicial power shall extend to all cases, i
and equity, arising under this Constitution, the la

United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects."

2. "In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make."

3. "The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place, or places, as the Congress may by law have directed."

Section III.—Treason.

1. "Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."

2. "The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work
on of blood, or forfeiture, except during the life of
attainted."

ARTICLE IV.

Section I.—State Records.

"Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof."

Section II.—Privileges of Citizens.

1. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

2. "A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

3. "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Section III.—New States and Territories.

1. "New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State be formed, by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

2. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Section IV.—Guarantee to the States.

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence."

ARTICLE V.

POWER OF AMENDMENT.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

ARTICLE VI.

PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

1. "All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation."

2. "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

3. "The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

ARTICLE VII.

RATIFICATION OF THE CONSTITUTION.

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

AMENDMENTS TO THE CONSTITUTION.

ARTICLES IN ADDITION TO, AND AMENDMENT OF, THE CONSTITUTION OF THE UNITED STATES OF AMERICA,*

Proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

Article I.—Freedom of Religion, etc.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Article II.—Right to Bear Arms.

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Article III.—Quartering Soldiers on Citizens.

"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law."

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* More than seven hundred amendments to the Constitution have been proposed since it was adopted. Several are usually proposed at each session of Congress.

The first twelve articles of amendment to the Federal Cor were adopted so soon after the original organization of the Go under it in 1789 as to justify the statement that they were contemporaneous with the adoption of the original (JUSTIC *U. S. Supreme Court*).

Article IV.—Search-Warrants.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Article V.—Trial for Crime, etc.

"No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Article VI.—Rights of Accused Persons.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence."

Article VII.—Suits at Common Law.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be

otherwise re-examined in any court of the United States, than according to the rules of the common law."

Article VIII.—Excessive Bail.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Article IX.—Rights Retained by the People.

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Article X.—Reserved Powers of the States.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Article XI.

"The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."*

Article XII.—Mode of Choosing the President and Vice-President.

1. "The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one

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* In the case of Chisholm *vs.* The State of Georgia, the Supreme Court decided that under Article III. § 2 of the Constitution a private citizen of a State might bring suit against a State other than the one of which he was a citizen. This decision, by which a State might be brought as defendant before the bar of a Federal court, was highly displeasing to the [illegible]rity of the States in 1794. On the 5th of March of that year the [illegible] Amendment was passed by two-thir[illegible] [illegible]leclared in force January 8, 1798. P[illegible] [illegible] authority for the repudiation

of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, and in case of the death, or other constitutional disability, of the President."

2. "The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Sen-

ators; and a majority of the whole number shall be necessary to a choice."

3. "But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States."

Article XIII.—Abolition of Slavery.

1. "Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

2. "Congress shall have power to enforce this article by appropriate legislation."

Article XIV.—Right of Citizenship, etc.

1. "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

2. "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rel [illegible] the basis of representation therei

portion which the number of such male citizens shall bear to the whole number of male citizens, twenty-one years of age, in such State."

3. "No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability."

4. "The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave, but all such debts, obligations, and claims shall be held illegal and void."

5. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Article XV.—Right of Suffrage.

1. "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

2. "The Congress shall have power to enforce this article by appropriate legislation."

APPENDIX.

States and Territories.	Representatives in Congress.	Population, Census 1890.	Area, Square Miles.
Alabama	9	1,513,017	52,250
Alaska Territory	...	.....	577,390
Arizona Territory	*1	59,620	113,020
Arkansas	6	1,128,179	53,850
California	7	1,208,130	158,360
Colorado	2	412,198	103,925
Connecticut	4	746,258	4,990
Delaware	1	168,493	2,050
District of Columbia	...	230,392	70
Florida	2	391,422	58,680
Georgia	11	1,837,353	59,475
Idaho	1	84,385	84,800
Illinois	22	3,826,351	56,650
Indiana	13	2,192,404	36,350
Indian Territory	...	.....	31,400
Iowa	11	1,911,896	56,025
Kansas	8	1,427,096	82,080
Kentucky	11	1,858,635	40,400
Louisiana	6	1,118,587	48,720
Maine	4	661,086	33,040
Maryland	6	1,042,390	12,210
Massachusetts	13	2,238,943	8,315
Michigan	12	2,093,889	58,915
Minnesota	7	1,301,826	83,365
Mississippi	7	1,289,600	46,810
Missouri	15	2,679,184	69,415
Montana	1	132,159	146,080
Nebraska	6	1,058,910	77,510
Nevada	1	45,761	110,700
New Hampshire	2	376,530	9,305
New Jersey	8	1,444,933	7,815
New Mexico Territory	*1	153,593	122,580
New York	34	5,997,853	49,170
North Carolina	9	1,617,947	52,250
North Dakota	1	182,719	70,795
Ohio	21	3,672,316	41,060
Oklahoma Territory	*1	61,834	39,030
Oregon	2	313,767	96,030
Pennsylvania	30	5,258,014	45,215
Rhode Island	2	345,506	1,250
South Carolina	7	1,151,149	30,570
South Dakota	2	328,808	77,650
Tennessee	10	1,767,518	42,050
Texas	13	2,235,523	265,780
Utah	1	207,905	84,970
Vermont	2	332,422	9,565
Virginia	10	1,655,980	42,450
Washington	2	349,390	69,180
West Virginia	4	762,794	24,780
Wisconsin	10	1,	
Wyoming	1		

* Delegate.

Table of the Presidents.

No.	President.	State.	Term of Office.	Vice-President.	Secretary of State.
1	George Washington	Virginia	Two terms; 1789–1797	John Adams	Thomas Jefferson. Edmund Randolph. Timothy Pickering.
2	John Adams	Massachusetts	One term; 1797–1801	Thomas Jefferson.	Timothy Pickering. John Marshall.
3	Thomas Jefferson	Virginia	Two terms; 1801–1809	Aaron Burr George Clinton	James Madison.
4	James Madison	Virginia	Two terms; 1809–1817	George Clinton Elbridge Gerry	Robert Smith. James Monroe.
5	James Monroe	Virginia	Two terms; 1817–1825	Dan'l D. Tompkins	John Quincy Adams.
6	John Quincy Adams	Massachusetts	One term; 1825–1829	John C. Calhoun	Henry Clay.
7	Andrew Jackson	Tennessee	Two terms; 1829–1837	John C. Calhoun Martin Van Buren.	Martin Van Buren. Edward Livingston. Louis McLane. John Forsyth.
8	Martin Van Buren	New York	One term; 1837–1841	Rich'd M. Johnson	John Forsyth.
9	William H. Harrison	Ohio	One month; 1841	John Tyler	Daniel Webster.
10	John Tyler	Virginia	3 yrs. and 11 mos.; 1841–1845.		Hugh S. Legare. Abel P. Upshur. John C. Calhoun.
11	James K. Polk	Tennessee	One term; 1845–1849	George M. Dallas	James Buchanan.

12	Zachary Taylor	Louisiana	1 yr. and 4 mos.; 1849–1850	Millard Fillmore	John M. Clayton.
13	Millard Fillmore	New York	2 yrs. and 8 mos.; 1850–1853		Daniel Webster. Edward Everett.
14	Franklin Pierce	New Hampshire.	One term; 1853–1857	William R. King	William L. Marcy.
15	James Buchanan	Pennsylvania	One term 1857–1861	J. C. Breckinridge.	Lewis Cass. Jeremiah S. Black.
16	Abraham Lincoln	Illinois	1 term and 1 mo.; 1861–65.	Hannibal Hamlin Andrew Johnson	William H. Seward.
17	Andrew Johnson	Tennessee	3 yrs. and 11 mos.; 1865–1869.		William H. Seward.
18	Ulysses S. Grant	Illinois	Two terms; 1869–1877	Schuyler Colfax Henry Wilson	Elihu B. Washburne. Hamilton Fish.
19	Rutherford B. Hayes	Ohio	One term; 1877–1881	Wm. A. Wheeler	Wm. M. Evarts.
20	James A. Garfield	Ohio	6 months and 15 days; 1881.	Chester A. Arthur	James G. Blaine.
21	Chester A. Arthur	New York	3 yrs. 5 mos. 15 das.; 1881–85		F. T. Frelinghuysen.
22	Grover Cleveland	New York	One term; 1885–1889	Thos. A. Hendricks	Thomas F. Bayard.
23	Benjamin Harrison	Indiana	One term; 1889–1893	Levi P. Morton	James G. Blaine. John W. Foster.
24	Grover Cleveland	New York	One term; 1893–1897	Adlai E. Stevenson	Walter Q. Gresham. Richard Olney.
25	William McKinley	Ohio	1897	Garrett A. Hobart	John Sherman. William R. Day. John Hay.

THE AUSTRALIAN BALLOT SYSTEM.

NEARLY all of the States, to secure ballot reform, have introduced the Australian ballot system, with the hope of removing the causes and overcoming the effects of intimidation, bribery and repeating at the polls. The ballots are printed and distributed by the authority of the State and at the public expense. The room in which the election is held is divided into two parts by a railing. In one part of the room are located the election officers with the ballot-box; in the other part are arranged a number of closets called voting-booths or stalls. When an elector enters the room he gives his name and address to the officers; if his name is found on the assessor's list, he is admitted within the railing and handed an official ballot. The ballot contains the names of all the candidates of the different parties in separate columns; the elector retires to a voting-booth and in private prepares his ballot. If he desires to vote what is called "a straight ticket"—that is, to vote for every candidate of his political party—he marks a cross (X) within a circle which is printed above the column containing the names of all the candidates of his party. If he desires to vote for but a part of the ticket, he makes a cross (X) opposite the names of the candidates for whom he wishes to vote, or he may write in blank spaces left for the purpose the names of candidates of his own choice. He must fold his ballot so that no one can see how he has marked it, give it to the election officer having charge of the ballot-box, who numbers it and fastens down securely with adhesive paste the part marked with the number, so that it cannot be seen without cutting the ballot open, and deposits it in the ballot-box. The object of all this detail is to secure secrecy and to prevent fraud in conducting the election.

Some variations in the minor details of the system are to be found, but the general features are the same in all the States in which it has been adopted. The essential part of the system is that the entire machinery of election is put into the hands of the State, instead of being left, as heretofore, to the promiscuous methods of political parties.*

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* "The Australian system of voting would be an immense power in clipping the wings and suppressing the evils of political bossism. Upward of eighty-five million people conduct their elections in accordance with its provisions, so that it is neither an untested experiment nor a questionable expedient. Wherever a free and accurate expression of opinion is desired it finds a home, so that it cannot be justly claimed as the method of any one country or people.

"The cardinal features of the Australian system are compulsory secrecy of voting, uniform official ballots containing the names of all candidates printed under State or municipal authority, and official equality of nominations when made either by a party convention or by a paper signed by a given number of voters; under this system all qualified voters have equal facilities for voting and all candidates have equal facilities for receiving votes.

"The Australian system has produced effects far wider than the mere achievement of a single reform. It offers not only free and pure elections, but free nominations. It offers a method of nomination that is free to all, and it emancipates us from the rule of the political bosses. There is abundant testimony that it is the best, the most rapid and the most facile mode of obtaining the unbiassed wish of voters. It secures tranquillity, purity and freedom of choice. For all these reasons I heartily favor it."—Gov. Robt. E. Pattison.

QUESTIONS

DEVELOPING THE GOVERNMENT OF THE STATE, COUNTY, TOWNSHIP, TOWN OR PARISH, AND CITY.*

WHAT is a State?

What are the civil divisions of a State?

What is a constitution?

When was the constitution now in operation in this State adopted? How can the constitution of this State be amended? Has it ever been amended?

Does the constitution of this State contain a bill of rights?

What is an elector?

What is the difference between an elector and a citizen?

What are the qualifications of an elector in this State?

Are the local officers, State officers and Federal officers elected on the same or on different days? Why?

Who is the highest executive officer of this State? When is he elected? For how long a term? What are his qualifications? State some of his duties. What is his salary?

Has this State a lieutenant-governor? What are his qualifications? When is he elected? For how long a term? His duties? His salary?

What are the other executive officers of this State? How is each chosen? State some of the duties of each.

Name some of the administrative officers of this State.

What is the name of the legislative body that makes the laws of this

* These questions are suggestive only, and are to be modified or extended at the discretion of the teacher, so as to develop the methods and harmonize the variations and peculiarities in the forms of local government. A copy of the State constitution should always be used in studying the government of a State.

State? How many branches has it? What are their names? What is the term of service in each? When does this body meet? Where? How often?

How many State senatorial districts are there in this State?

In which State senatorial district do you reside?

Who is the State senator from this district? What are his qualifications? His term of service? His salary?

How many representative or assembly districts are there in this State? In which representative district do you reside?

Who is the State representative from this district? What are his qualifications? His term of service? His salary?

How many congressional districts are there in this State?

How many representatives has this State in Congress?

In which congressional district do you reside?

By what authority is the State divided into congressional districts?

Who represents this congressional district in Congress?

What are the qualifications of a representative? How is he chosen? For how long a term of service? What is his salary?

How many United States senators has each State?

By whom are they chosen? For how long a term of service? What are the qualifications of a United States senator? What is his salary?

What are the names of the different State courts in this State? Which is the highest State court in this State? What are the titles of its judges? How are they chosen? What is their term of office?

Is this State divided into State judicial districts?

In which State judicial district do you reside?

In which United States circuit court district is this State located?

Where does the United States circuit court for this State meet?

What justice of the United States Supreme Court presides in this circuit?

How many United States district courts are there in this State?

Who is the resident United States district judge?

When does the United States district court meet? Where?

How are the judges of the United States courts chosen?

What other officers besides the judges are connected with the United States courts? What are their duties? How are they chosen?

What are the names of the different county courts in this county?

In what courts are civil cases tried? Criminal cases?

In what courts are estates of deceased persons adjudicated?

What is the tenure of office of the county judges?

How are the judges chosen in this county?

What is the salary of the judges in this county?

Where do the courts of this county meet?

Who is the present county attorney? How is he chosen? What is his term of service? What are his duties? His salary?

Who is the sheriff of this county? How is he chosen? What is his term of service? His salary? What are his duties?

What are the other officers of this county? What are their duties?

What are the civil divisions of this county? What is the title of the judicial officer in this township, town or parish? Of the executive officers? Of the legislative officers? Of the administrative officers? What are the duties of each? Which of these officers are required to give a bond for the faithful performance of their duties? Explain the nature and operation of a bond.

What is the title of the chief executive officer of a city? How is he chosen? What are his duties? His term of office?

Name the other executive and administrative officers of a city. How are they chosen? What are their duties? Their terms of office?

What is the title of the chief legislative body of a city? Of how many branches is it composed?

What are the principal duties of the legislative department of a city?

How are the members of the legislative department of a city chosen? Are they paid a salary for their services?

What judicial officers are there in a city other than the county judges of the county in which the city is located? What are the duties of these officers? How are they chosen? How are they paid for their services?

PROBLEMS IN CIVIL GOVERNMENT.

If the regular candidate of the political party to which you belong were a person inferior in ability, morally and intellectually, to the candidate of the opposing party, which candidate would you vote for, and for what reason?

A certain town wishes to construct waterworks, but it has no money for that purpose. In what two ways may it legally proceed to obtain the required funds? Which do you think would be the better?

At a certain local election there was reason to believe that more votes were cast than there were lawful electors in the district. By what process would the facts in the case be ascertained, and how would the case be settled beyond further dispute?

If an elector own land in several States, can he vote in them all? What facts determine his legal residence?

Can a member of Congress at the same time hold a State office, according to the Constitution of the United States? What is the reason for this? According to the Constitution of the State in which you live? Is the reason the same?

A politician described the civil service as "a system by which it is hard to get into an office and easy to get out of it;" he further said that he believed in a civil service "that makes it easy to get into an office, but hard to get a man out of the office." Do you think that he touched on any principle of popular government that could be made to work in practice? What principle?

Do you think that the government of the people of the United States would be a more perfect government if there was only one political party in the country? If not, for what reason?

In the assessment of real property the owner may complain that he is assessed too high; has he any means of getting the assessment changed? If he cannot get it changed, is he justified in refusing to pay his taxes? Why?

In the older States many State officers are appointed by the governor by and with the consent of the Senate; in the newer States nearly all State officers are elected by the people. How do you explain this remarkable difference in the civil government of the States? Which do you favor? Why?

In one of the States in the Union which requires by its Constitution that every person before he can vote must be able to read a section of the State Constitution, an illiterate man was taught to repeat a section from memory, and when his vote was challenged he (apparently) read the section, it having been pointed out to him by the person who had taught it to him. Was his vote illegal? Was he guilty of breaking the spirit of the law? Should he be punished?

Are all citizens of the United States electors? Is there a difference between the meanings of the words "electors," "inhabitants," "residents" and "citizens"? Which of these constitute "the sovereign people of the United States"?

What principles of our government are illustrated in the following: An election. The inauguration of the President. The levy of a tax. The impeachment of a State officer. A jury trial. The support of public schools by taxation. The improvement of rivers and harbors by and at the expense of the National Government. The privileges of a member of the State or of the National legislature. The existence of a United States Supreme Court.

QUESTIONS FOR DEBATE.

Should the President be elected by popular vote?

Which affords the more privileges for its citizens—a republic like the United States, or a monarchy like England?

Can a State repudiate its debts?

Is "rotation in office" conducive to the most desirable results in a government like our own?

Would the government of the people of the United States be more conducive to their welfare if State legislatures were abolished and all laws were made by Congress?

Should the National Banking System be abolished?

Would the "general welfare" of the United States be promoted by an amendment to the Constitution requiring every elector to be able to read and write?

Which have had the wider influence in this country—the opinions of Thomas Jefferson or those of Alexander Hamilton?

Would Congress be justified at any time in appropriating the surplus in the national treasury to the payment of the debts of the States?

Are American politics growing better?

Is the Government of the United States to-day essentially the same as it was when Washington was President?

Has the Government of the United States the constitutional right to become the owner of the railroad and telegraph lines of the country?

Would the general welfare of the people of the United States be promoted if the National Government should become the owner of the railroad and telegraph lines?

Does man's capability for enjoying life increase with the advance of civilization?

Would the union of the United States and Canada promote the welfare of the people of these two countries?

Does the government of the people of the United States possess the power of indefinite self-perpetuation?

Is the present form of government in the United States the best form possible at the present time?

Upon which does the welfare and the perpetuity of popular government in this country the more depend—upon national legislation or upon State legislation?

Would the Government of the United States be justified in buying Cuba, rather than have that island pass into the possession of any other power than Spain?

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THE

GOVERNMENT OF THE PEOPLE

OF THE STATE OF

MICHIGAN

BY

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In the preparation of the brief historical sketch the aim has been, not to present a mass of condensed facts, but through interest and suggestion to stimulate the desire to find out knowledge by investigation. If the school library can contain but one volume to supplement the sketch, by all means let it be Cooley's *History of Michigan* in the Commonwealth series. Campbell's *Political History of Michigan* will be found scarcely less serviceable, while Parkman's series of books, like vivid romances, will reproduce the life of the early times.

In the study of government the Constitution is the most valuable text. Nothing can take its place. Whatever the pupil can, by studying it, find out for himself, has, therefore, not been written down. It has been left to him, by his own thought and labor, to discover the principles of government from their workings in facts.

It is hoped also that there may go with the study of the Constitution, direct observation of all those things with which the citizen has to do in every-day civil affairs. Besides giving zest and enthusiasm to the study, actual observation is the first step in practical citizenship.

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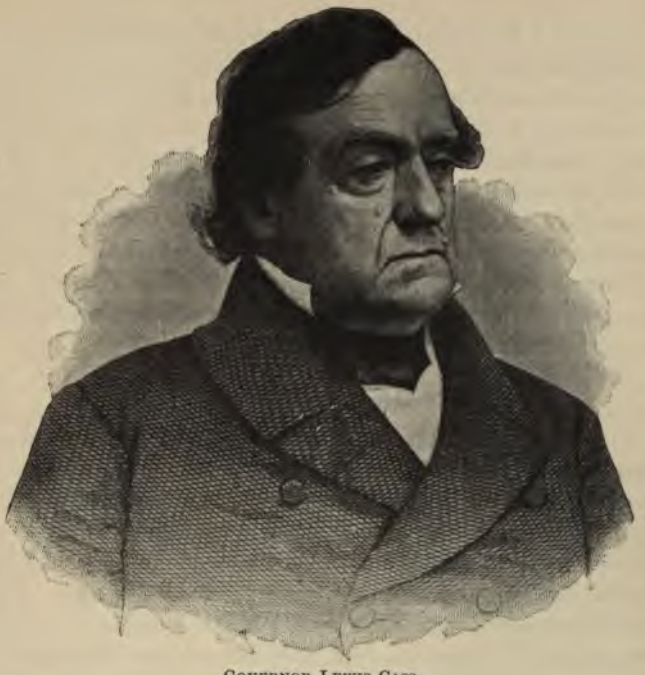

GOVERNOR LEWIS CASS.

MICHIGAN.

CHAPTER I.

THE CIVIL GOVERNMENT OF MICHIGAN IN HISTORY.

1. As late as 1700, men had not ceased to search for a direct route to Marco Polo's Cathay; kings had not ceased to found empires in the New World; the fathers of the Church had not ceased to push the conquest of the Cross; and adventurers had not ceased to seek fortunes in the unknown riches of America. Before 1700 the shores of

the Great Lakes had been explored by the French, and several stations permanently established. Great fortunes in peltries had been made and lost. The tribes of the Mississippi valley had been called to a congress at the Sault Ste. Marie. There they smoked the pipe of peace with De St. Lusson, and looking upon the cross, and upon the standard carved with the lilies of France, had paid homage to both; but it was lasting empire to neither Church nor State. All these things lend the charm of romance to the early history, but they accomplished little of permanent value for Michigan.

French Occupation.

2. When Cartier had built forts at Montreal and Quebec, and when Champlain had made a map of the Great Lakes, and named the country drained by them New France, the king of France had a good claim to the land by the right of discovery and occupation. This claim he strengthened by establishing missionary stations and trading-posts. The earliest permanent stations in Michigan were at the Sault Ste. Marie, St. Ignatius, and Michilimackinac, where Père Marquette taught the Indians in 1668 and 1670, and where the trader carried on his traffic with the Indians. Neither fur-trader nor missionary was interested in opening up the country, and their influence went little beyond their own palisades. The population at these stations was of a mixed sort. The priest was always there—earnest, enthusiastic, devoted. The regular fur-traders carried on their business under the monopolies granted them by the French king. Besides these there were the bush-rangers, or bush-lopers, as one writer calls them, employed by the traders in carrying on their traffic. The bush-rangers were familiar with the forests and lakes. They had a real love of woodcraft and were tireless in their pursuits. In all military movements they were the principal reliance of the governors, and in all explorations they were the pioneers of French

enterprise. They lived a wild life among the Indians, often marrying into the tribes and acquiring an influence which enabled them to play an important part in State affairs.

3. These posts were under the control of Canadian governors, and the route by which the missionary enterprise and the commercial operations were carried on was the northern one. It was not until after 1679 that the southern route was much used, although it is evident that the French knew of the connection between the Great Lakes. In 1679 La Salle, accompanied by Father Hennepin, who kept the records of the voyage, and by Tonty his especial friend and companion, with a crew of fur-traders, sailed the Griffin up Lake Erie. They passed the Indian village of Tonchsu Grondie, already known to the French, through the lake and river which they named Ste. Claire, and after storm and danger reached Fort St. Ignatius. From Green Bay the Griffin, loaded with furs, was sent back, while La Salle coasted down the eastern shore of the lake to St. Joseph River, then called the River of the Miamis, where he built Fort St. Joseph, which was maintained for some time. The Griffin was never heard of again—a short story of the first sailing vessel on the Lakes.

4. When hostilities broke out in 1691, between the English, allied with the Mohawks and the Iroquois; and the French, allied with the Illinois and the other northern tribes; the fort at the outlet of Lake Huron was built and Detroit was garrisoned. When, in 1697, the war was over and the French were left in possession of all the country they had claimed, the fort on Lake Huron was destroyed, but Detroit continued to be occupied. Until 1701 it was merely a military station, but at that time La Motte Cadillac effected some marked changes at that place. No settlements had yet grown up about the trading-posts. The country about the Great Lakes was a-

unbroken wilderness, and was more valuable in that condition than a farming country would have been. No rights in the soil had been acquired, so that the Hurons, the Ottawas, and the rangers of the woods still held unquestioned possession. Cadillac urged upon the government the planting of settlements as the surest way of holding their claim upon New France, as the country was called. Finally he obtained permission, and in 1701 he came to the post at Detroit with a colony of soldiers, artisans, and tradesmen, accompanied by missionaries for the Indians. He named the fort, Fort Pontchartrain, which name continued until after the English conquest in 1763.

5. Cadillac's plan was to attach the Indians to the settlement as well as to colonize with French settlers. The Hurons were expert in farming and equally shrewd in bargaining, and Cadillac hoped to make of them good soldiers. He was the first to grant land for the permanent use of the people. He made the allotments on a system of rent tenure, he himself being the overlord. The rent was to be paid in peltries until some currency should be adopted. Along with the land went certain hunting and fishing monopolies. Concessions in land continued to be made during the first half of the eighteenth century. Many of these grants, often twenty times as long as wide, one end lying on river or bay, are still held in south-eastern Michigan by the descendants of the French families of the old colonial days. With the permanent occupancy of the land came the necessity for some sort of a civil law to define the rights of the settlers in the community. In this way there grew up in and about Fort Pontchartrain on the Detroit the first colony of homes under a civil administration. It must be kept in mind that it was not such a self-government as an English colony would have made, but it was a government in which the governor and landlord determined the people's rights. Occupancy by a permanent settlement under an

orderly government gave the French a much better claim to New France than the English had.

6. While Cadillac aimed really to strengthen French empire in America and to control French trade, he had the good of the people at heart. He imported grains, built a mill, employed workmen in various ways, and administered affairs liberally. He attempted some prohibitory temperance reforms, but the Indians did not take kindly to them. The settlement did not do more than maintain itself; its growth was very slow. There are several reasons for this. The Canadian governors did too much and left nothing to the people; they exacted too many dues, and made too frequent changes in the officers. There was continual trouble with the English about the possession of the country, and the Indians were always ready to take the side of apparent advantage, though usually they were more friendly toward the affable Frenchman than to the overbearing Englishman. The history of Detroit is the history of these difficulties for forty years.

7. Marquette, La Salle, Cadillac, each stood for an idea; each gave the best efforts of his life to accomplish its realization; each made himself a name in history. These three men are typical of the French occupation of New France. At the close of the French and Indian War, all the territory claimed by the French was surrendered to the English. In November, 1760, Major Robert Rogers had appeared before Fort Pontchartrain and hoisted the British flag over the French settlement; the treaty making the final adjustment was, however, not signed until 1763.

English Occupation.

8. On the change of sovereignty the French were allowed to leave the country if they chose to do so; but, while most of the land proprietaries went, the people remained on their farms. Practically, there was little change in

even under the military rule which the English established. The French rule had been disadvantageous, and the British promised to be no better—only in time it was destined to afford an opportunity for the principles of freedom which had been planted in America to overcome the despotism of kings.

9. The Indians did not regard themselves as bound by the decisions of battles or the terms of foreign treaties. They had favored the French and they did not like the English. The unsettled times seemed to be the favorable opportunity for a general uprising to regain their old homes. Pontiac was a great leader, his spirit bold, his sense of justice in regard to territorial rights keen, and, more than all, he understood organization. Two of the three posts remaining in what is now called Michigan were surprised and destroyed, and the garrison killed or taken prisoners. The attack upon Detroit was to have been carried out by Pontiac himself, and came fearfully near being a success. But savage ingenuity and determination were finally exhausted without taking the fort, and when the Spanish at New Orleans failed to respond to Pontiac's call for help, the project was abandoned. In August, 1765, Pontiac met the English in a conference at Detroit, and smoked the pipe of peace. The heart of the brave chief must have been heavy and full of sorrow that day when he gave up hope for the freedom of his people. But while he accepted defeat at the hands of the Englishmen, he would not return to his old village near them, lest his warriors should become weak and depraved.

10. The policy of England towards her colonies was beginning to be regarded with disfavor by her English subjects in America, and the conquered French colonies could hardly have had less cause for complaint. The extension of settlement was nowhere favored and met with positive disfavor in Michigan. The fur trade, when shared with the French, was a great profit, and when

monopolized by the English company it would be a mine of wealth not to be sacrificed for the sake of homes for a few poor people. The settlements were left under the military courts, without any civil administration, except that their Church was to them both Church and State. The priests were men of disinterested lives, devoted to the good of their people, and to them it fell to settle many disputes and right many wrongs. But the people "had never had a Magna Charta," they had never shared power in a town-meeting, they had never elected a representative assembly; so it was only natural that they should live on in submission to British despotism as before they had to French.

11. When the relation between England and her colonies became strained, Parliament passed, in 1774, the Quebec Act. This Act disregarded several of the land grants already occupied by the colonists and aimed to secure political submission by conceding some privileges to the Catholic Church in Canada, a thing which the king could not have done in England. But the war of the Revolution was so near that the Act did not have any political effect, although, at Detroit, government under it was put in operation. During the war the governments both of England and of the United States recognized the importance of Detroit as the key to all the territory north of the Ohio. Both made efforts to hold it, but in different ways. Governor Hamilton, the English governor, stationed at Detroit, made use of the Indians to carry on war in their own way upon the scattered settlements, and by the offer of money and rum for scalps, raised a whirlwind of destruction. Col. George Rogers Clark, assisted by Patrick Henry, then Governor of Virginia, conducted an expedition against the Western forts of the British, and captured several of them. At Vincennes, Governor Hamilton was among the prisoners captured. Detroit was not taken, but enough was accomplished by Clark to give good ground

for demanding the recognition of the Great Lakes as the northern boundary in the final treaty, in 1783.

American Occupation.

12. So reluctant was England to abandon the Ohio river as the boundary line, that her troops were not withdrawn from the posts in Michigan until 1796. In that year for the first time, the "stars and stripes" floated over the fort at Detroit.

13. By the ordinance of 1787, Congress established a government over the territory lying north of the Ohio and east of the Mississippi, hereafter to be known as the North-west Territory. General Arthur St. Clair was appointed governor, and Winthrop Sargent, secretary and acting governor. In 1796, Sargent set apart the new county of Wayne, with the county-seat at Detroit, and organized the court of common pleas. It was presided over by lay judges, who were business men chosen for their probity and intelligence. There was also held at Detroit each year one session of the Supreme Court of the Territory. In 1798, the Territory having acquired a sufficient number of inhabitants to entitle it under the ordinance to an Assembly, representatives were apportioned among the different counties, three falling to Wayne. Solomon Sibley, an old and prominent name in Detroit, was one of the delegates to the first Territorial Legislature, which met at Cincinnati. In 1802, by an Act of the Legislature the settlement at Detroit was incorporated under a board of trustees and given power to make by-laws and ordinances for its own government. Concerning the use which Detroit made of its franchise, how it prevented fires, forbade the use of the streets for bowling, and exacted good round fines for speeding French ponies in the town, may be read in the history of Michigan.

14. In 1802, the south-eastern section of the Territory having acquired a population fixed by the ordinance, made

a constitution, and, on request, was erected by Congress into a separate State—Ohio—while the remaining part of the North-west took the name of Indiana Territory. In 1805 Congress enacted that "all that part of Indiana Territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan until it intersects Lake Erie, and east of a line drawn from the said southerly bend through the middle of said lake to its northern extremity, thence due north to the northern boundary of the United States, shall for the purpose of temporary government constitute a separate Territory and be called Michigan." Detroit was made the seat of government, and the ordinance of 1787 became the fundamental constitution. Michigan now for the first time had a name and definite extent among the political divisions of the United States. It had one incorporated town and two or three communities of white people, beside the scattering population. It had a county court and judicial officers. President Jefferson, according to the ordinance, appointed the governor and the officers of the territorial court.

15. Before passing to the next period, one other thing needs a moment's thought. At the time the Territory was organized only a small part of the land was under the control of the Federal government, on account of the large claims still held by the several Indian tribes. The ordinance required that "they should be dealt with in good faith and honor." As yet the natives had ceded only a narrow strip on the east extending from Lake St. Clair to the southern boundary, and a narrow strip south of Mackinaw. Naturally the Indians were unwilling to part with their lands, and they resisted all efforts to make any amicable treaty of cession. There is little doubt that the English in Canada, and even at the Sault and at Mackinaw, greatly aggravated the difficulty by keeping alive the hope that soon their old hunting-grounds would be re-

stored to them. No public surveys of the land that had been ceded could be made, until the validity of private claims had been established. For this purpose land offices were opened where the old English and French claims might be proved. In 1806 the register reported that only six valid claims outside the town of Detroit had yet been made out before him. The land difficulties will account in a large measure for the slowness of the growth of the Territory.

THE GREAT SEAL OF THE TERRITORY OF MICHIGAN.

THE TERRITORY OF MICHIGAN, 1805–1837.

16. The first government of Michigan Territory consisted of a governing board composed of the governor, the secretary of the Territory, and three judges of the territorial court, appointed by President Jefferson. General William Hull, the first governor, and Judge Augustus B. Woodward are names conspicuous, perhaps unfortunately so, in Michigan history. They reached Detroit just after a disastrous fire, and instead of a well-housed community, they found the depressed and homeless people huddled in tents and temporary shelter. It left them a clear field for operation, surely. The board issued such a code of laws as was necessary for the administration of civil affairs, and Judge

Woodward laid out a whole new city with wide avenues, a grand circus, a campus Martius, and located public and private buildings on a magnificent plan, some of which things still keep his "memory green" in Detroit. Governor Hull and Judge Woodward served Michigan well in securing authority from Congress to grant to individual citizens and to sell for public uses a tract of land, 10,000 acres, including the old city of Detroit. Subsequently, land outside the town was allotted, and old titles were confirmed. But not all the land which could have been sold was put in the market, because the surveys were so tardy. Just why the survey was not pushed is a matter of some speculation. Governor Hull must bear some reproach for it, but the Indian situation was not without danger, and he felt it so. Governor Hull and Judge Woodward were testy gentlemen, and spent too much time in personal controversy to make a strong civil administration.

17. The military administration of Governor Hull was disastrous to others beside himself in Michigan. To defend him is not the business of this brief sketch, but it must be admitted that there were extenuating circumstances. It lost the Territory to the United States for a time; it gave opportunity for renewed Indian barbarities; but it also called into service men of undaunted bravery and glorious memory.

Winchester is another name connected with our history during the war of 1812. He was brave and good, but a wiser general might have prevented the horrible story of suffering at Frenchtown—a story which has made Proctor's name a "byword and hissing." The dark days drew to a close with the year 1814. The record of the time is brightened by the story of lives whose heroism and sacrifice are Michigan's glory, and the days of prosperity dawned with the coming of Lewis Cass as governor of Michigan Territory, in 1813.

18. The work which Governor Cass undertook with great energy was the extinguishment of the Indian claims, to the end that the land might be offered as an inducement to immigration. At different times he secured several treaties by which considerable cessions were obtained, as well as the acknowledgment by the Indians of the supremacy of the United States. In anticipation of the surveys, Governor Cass began, where the population would admit of it, to organize counties. The sale of land began in 1818, and commissioners appointed by the governor had charge of affairs in the counties. The active settlement of Michigan dates from the opening up and survey of the land, followed by sales to the settlers. Activity, impossible without the sale of public land, was also stimulated by other causes. In 1818 the steamboat Walk-in-the-Water opened communication between Buffalo and Detroit, bringing its weekly load of pioneers. At about this date Governor Cass secured an appropriation from Congress for constructing roads into the interior of the Territory, which was another gain. These added facilities of travel were of great importance to the West-bound settler. A decided push was being made in regard to general intelligence and learning. Newspapers, schools, and churches were among the means employed. Society had lost the wildness of the bush-ranger days and had gained in refinement, intelligence and morals from the New England immigrants.

19. Certain political changes were urged by Governor Cass. He was a man who believed in the people; he desired, even more than did the people themselves, that they should come into their full franchise. The population of the Territory had reached the number required by the ordinance to establish a local self-government. The question of popular government was therefore submitted to the vote of the people; but it was rejected by a large majority. The old French Catholics were not

quite like "Young America"—they did not care to vote.

By special concession the Territory was given a delegate in Congress before it had a legislative body of its own. The first step toward local self-government was taken in 1823, when eighteen men were elected by the people, from among whom the President selected a council of nine to take the place of the old board of judges. The change was unexpected, and did not have its origin in "public good;" still it was an enlargement of popular franchise.

20. The Legislative Council, in 1825, divided the counties into townships and provided for the election of the township officers. All county officers now became elective, except such as had to do with the administration of justice; the latter, it was claimed by Congress, did not belong to the people. The number of the Legislative Council was increased to thirteen. In 1827 the people exercised the exclusive right of electing their own Council. The county commissioners gave place to the board of supervisors, and primary schools were established, to be supported by the people.

21. Step by step, as each became necessary, had been organized the commonwealth and its political divisions. First, the body of non-citizens, governed by an appointed board, was transformed into a State of citizens, holding and exercising their right of electing the law-making body; within this State was organized the county, with its seat of justice; and finally, within the county, and having organic relations to it through a board of supervisors, was organized the township, a republic built upon the rights of the people and devoted to their highest good. This may be regarded as a fair epitome of the work of Governor Cass. His long administration was of [illegible] political as well as material advantage to t[illegible] He was a man of positive convictions and fe[illegible]

a man with zealous defenders and bitter opponents. "No one can doubt his honesty, or his love of country."

Michigan a State.

22. The Boundary Question.—Michigan Territory, having a population exceeding 60,000, was entitled under the ordinance to a State constitution and representation in Congress. Congress was, therefore, asked to set off the territory west of Lake Michigan, which for temporary purposes of government had been joined to Michigan, and in April, 1835, there was held an election of delegates to a convention for forming a State constitution. That at once developed the boundary-line dispute already pending between Michigan and Ohio. The ordinance of 1787 had fixed the boundary lines if but three States were formed. It also fixed an east-and-west line, north of which two States could be formed if Congress so determined. That line was to be a parallel passing through the extreme southern bend of Lake Michigan, and that line was expressly named in the act by which the Territory had been incorporated.

In 1816 Indiana had been admitted to the Union. Her northern boundary, fixed by Congress regardless of the ordinance, was a parallel ten miles north of the southern bend of Lake Michigan. At the time Michigan had no recourse, having no local government, and the question never afterwards came up for adjustment. There cannot be any question in regard to the right of the matter.

23. The State convention of Ohio, fearing that when the surveys were made, the line would be found to run south of Toledo, had included a proviso in the constitution of Ohio, fixing the north boundary on a line drawn from the southern bend of Lake Michigan to the north point of Maumee Bay. Congress, after the constitution with the proviso had been adopted, declared Ohio a State, which Ohio claimed was equivalent to accepting

the proviso. Michigan, on the contrary, claimed that the ordinance of 1787 was a compact, valid until changed by "common consent." Ohio attempted to take possession of the disputed territory. The militia was called out on both sides, and finally the President was obliged to interfere. The attorney-general gave his opinion in favor of Michigan, but the President was deterred from acting by political reasons. In 1835, Michigan adopted her constitution; elected her State and Federal officers as by the ordinance she had an undoubted right to do; and made Detroit the capital of the State. The admission of the Federal officers to their seats in Congress lay with that body exclusively, and admission was denied until the boundary dispute was settled.

24. A State exercising legal sovereignty within the Federal jurisdiction and yet not in the Union, was a condition so peculiar as not to be long tolerated. Congress finally agreed to admit Michigan to the Union on condition that, in consideration of the territory in the west half of the upper peninsula, the Ohio strip be released. The proposition was submitted to the people, and in a convention of delegates at Ann Arbor, in September, 1836, received a decided negative vote. But political interests were becoming stronger in favor of accepting the condition. The presidential election was coming on and the Jackson men were anxious to share in the election; it was evident, too, that Congress was in a position finally to overcome the State. Some prominent party leaders among the Democrats called a convention. The convention, meeting December, 1836, was made up almost entirely of delegates favoring the concession, hence it was little more than a party caucus. The administration party in Congress accepted the decision, however, and the State was declared a member of the Federal Union in January, 1837. The motto of the Territory was realized.

25. The First Constitution.—Like the old ordinance,

the constitution did not legislate, but only established "certain fundamentals in government and a general official organization." It expressed the people's idea of the extent of the elective franchise and the qualifications for exercising it; it specified some things which should be the concern of the State and laid some restrictions; in the main it gave broad discretion to the legislative body. The principal executive officers and the State and Federal representatives were to be elected, but all the administrative officers, including the judges of the courts, were to be appointed by the governor with the consent of one or both houses. The right of suffrage was conferred with such singular liberality as to make a man a citizen of Michigan while yet an alien under the Federal government. Schools were to be supported, internal improvements encouraged, and slavery prohibited. Such were some of the principles which the constitution determined. Being the immediate interest of every citizen, having to do with his every-day life, and exercising supreme control over his personal affairs, the document was regarded with engrossing interest. His attachment to the State was intense, his confidence in it unbounded.

26. Government Schemes.—Hon. Stevens T. Mason, the first governor of the State of Michigan, in his first message to the Legislature, acting upon the mandatory clause in the constitution, urged the necessity of taking immediate steps to develop the natural resources of the State, suggesting as a means thereto the building of canals, roads, and railroads. The Legislature passed the necessary measures and bonds were issued to the amount of five million dollars. The sale of the bonds was fraudulent; the estimated cost of the works was too low; State construction did not prove economical; some of the projects were altogether wild;—for these and other reasons the whole enterprise was a failure. The railroads were sold to chartered companies. The Clinton Canal was sold for

a mill-race. Thus virtually ended the project of constructing internal improvements under State control.

27. Another scheme for developing resources was known as "wild-cat banking." In 1837 a general banking law was passed. Many State banks were organized, but the business conducted by them was unsound and fraudulent; bills were issued without regard to redemption; interest was exorbitant. Suspension of specie payments being legalized, forced the use of bank bills even though the banks were insolvent. The general banking law was not repealed, and the business of issuing bills went on. The banks, "practically in a state of suspension," operated long enough to put in circulation more than a million dollars, worth no more than the paper on which the bills were printed. The general law was declared unconstitutional in 1844, and the "wild-cat" banks came to an end.

28. Retrenchments.—The election of John S. Barry as governor in 1841 well illustrates party reaction following financial troubles. Governor Barry was an excellent man for the times. He knew how to administer public affairs with economy, frugality, and scrupulous honesty. His opponents sometimes called him parsimonious, but it is to be urged in vindication that his name is connected with some of the largest and most beneficent measures, from which the State has derived lasting benefit. During his administration the people ratified an amendment to the State constitution, regulating the borrowing of money; State scrip was called in; the suspension of specie payments rescinded; shinplasters prohibited; and the public expenditure reduced to the lowest figure;—these were some of the means used to build a permanent and solid prosperity for the State. The first four years of Governor Barry's administration are said to have done more to this end than any other four years in the history of the State.[1]

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[1] Governor Barry served three terms, viz., 1842-1846 and 1850

The capital of the State was removed from Detroit to Lansing in 1847.

29. Dissatisfaction.—The years from 1840 to 1850 were years of agitation everywhere. Revolt against existing law and order was general. The unrest in Michigan showed itself in frequent changes both in the constitution and in the laws. Several amendments to the constitution were submitted to and ratified by the people. The courts were subjected to scrutiny and reorganization, the better to secure the administration of justice. The general direction of the changes was towards a more liberal popular election and towards making the governing body constantly and directly accountable to the people.

A convention was finally called to meet at Lansing, June, 1850, to revise the constitution. In due time a new constitution, the result of great care and painstaking, was submitted to the people and by them approved in November, 1850.

30. The Second Constitution.—The demand for the increase of popular rights was met by several provisions, such as lessening the appointing power of the governor; increased legislative power over municipal corporations; the equalization of property laws for men and married women; the reorganization of the whole judicial system; granting only general corporation Acts; exempting homesteads; strict limitations upon the Legislature in regard to financial matters; and fixing the salaries of State officials at a low figure.

31. Political Parties.—The government of the State of Michigan has been administered by each of the great political parties. The broad principle of government embodied in nationalism has always been the principle of the majority, under whatever party name, in the State. Slavery in the Territories, and interference with its vested rights in the States, were strenuously opposed. The Compromise of 1850 was not "heartily acquiesced in," and

the repeal of the Missouri Compromise in 1854 roused political action. A convention was called at Jackson, which resulted in forming the Republican party. Its distinguishing principles were "broad construction of the Federal Constitution," and non-extension of slavery in the Territories. It was composed of the "free-soil" party with large additions from the Whigs and anti-Nebraska Democrats. Zachariah Chandler was rightly called the leader of this party. In the United States Senate he kept up a continuous and fearless warfare against disunion and slavery. The party elected K. S. Bingham governor in the fall of 1854. From this time until the outbreak of the civil war in 1861, discussions were frequent; resolutions strongly insisting upon the abolition of slavery in territory under government control were repeatedly passed. The Legislature of 1861 occupied itself largely in discussing the affairs of the government, and finally, in February, passed a resolution asserting the supremacy of the Union, and pledging the resources of the State to the public service. Austin Blair, on the ticket with Lincoln, was elected governor by 20,500 majority. The war record of the State is an honorable one.

ZACHARIAH CHANDLER.

Since the decision of the momentous issues involved in the war and the consequent change in party principles, the parties have divided on questions of policy more or less local in application. The protection of industries is such a question. Michigan has large interests in salt, iron, lumber and copper. These have been

sufficient to rank her among the States favoring protective duties.

32. Education.—The ordinance of 1787 contained this clause: "Religion, morality, and knowledge being necessary to good government and the happiness of mankind schools and the means of education shall forever be encouraged." In fulfilment of this pledge given to the people of the Territory, the people of the States, through representatives in Congress, set apart in the North-west Territory large tracts of land for the support of schools. In Michigan the land was first given directly to the institution, as university, board, or township, but after the State was organized the land was transferred to the State to be held in trust for the purpose for which it was designed. A large part of the school lands having been made productive by sale, the common schools and colleges are in receipt of a permanent yearly fund.

33. The general plan of the school system in Michigan was that of John D. Pierce, the first superintendent of public instruction. When he came to his work some things had already been accomplished. In the settled parts of the State the townships had been divided into school districts and schools had been established, though these schools were largely dependent on a rate bill for support. Father Richard had been at work with zeal and faithfulness in Detroit for a number of years, and reports several flourishing church schools as early as 1827. John Monteith is another Christian teacher

JOHN D. PIERCE.

and preacher whose work, twenty years before Hon. J. D. Pierce was identified with education in Michigan, deserves praise. It was through the influence of these two men that the territorial board chartered the university of Michigan.

34. Justice Woodward's plan of the university embraced the whole school system — college, academies, primary schools, museums, athenæums, botanic gardens, laboratories, and other useful literary and scientific institutions. John Monteith and Father Richard were appointed to the various professorships, and were also placed on the board of control. A gift of land secured by Governor Cass from the Indians; large donations from the city of Detroit; and contributions from private individuals, furnished the means for launching the great enterprise. The necessary buildings were built and a classical academy was opened in Detroit; primary schools were established in that city and at Monroe and Mackinaw. The primary schools naturally developed more rapidly than the university. In 1829 they were separated from the university, and given to the people to support and control. "Public opinion, to be safe, must be enlightened" was with Governor Cass an unquestionable truth, and led him to urge upon the people the support of the public school by taxation. Doubtless, Superintendent Pierce found these schools primitive in all their appointments, including the teacher. The university continued under slightly changed charters until finally merged into the University of Michigan, established at Ann Arbor. It should be said that the actual work of this institution was, at first, confined to the branch schools, which were established as preparatory schools. The first university class at Ann Arbor was not formed until 1841.

35. To such schools, to such a system John D. Pierce came, on the appointment of Governor Mason, before the State was admitted to the Union. To him was committed

the task of working out the plan of primary and university education. His plan was adopted by the Legislature in 1837, and in its essential features is the system of the State to-day. It gave to the voters of every school district full power to establish free schools; it annually distributed to each district its proportion of the school funds; it made the State the guardian in trust of all school lands, the income from which should be used for school purposes; it made the State responsible for the support of institutions for higher learning, including those schools having specific or technical education in view. The extent to which this plan has developed is attested by the wide range of schools and colleges now receiving State support, each having some peculiar function: such as the schools for the helpless, unfortunate or criminal children; the normal school; the agricultural colleges; the primary schools in every district and village, free to children of rich and poor alike; with the high schools of the cities affording abundant preparation for university and college.

36. Material Resources.—Natural conditions have secured to Michigan large and varied industries. In the hill ranges along Lake Superior are rich mines of copper, iron, gold, and silver. The iron ore mined and shipped is reported at a yearly yield of 9,000,000 tons, valued at $40,000,000. The Calumet and Hecla mine, the most profitable copper mine in the world, pays, it is claimed, two million dollars in yearly dividends. In the forests are the lumber camps. General Russell A. Alger is the largest producer of long timber. His operations employ thousands of men, with mills, railroads and steamboats. The fine farms in the southern part of the State produce abundant harvests in grains and fruits. In the western counties is the peach belt; in the eastern are the grape vineyards; in the central, the grain fields. The food fish of the streams and lakes afford a "catch" worth a million dollars yearly. The salt rock, lying a thousand feet below

the surface, is capable of yielding an unlimited quantity of brine for the manufacture of salt. The principal "blocks" are near Saginaw, along the St. Clair River, and about Manistee. At Jackson bituminous coal is produced in considerable quantities. At Grand Rapids the great gypsum beds are being converted into land plaster and plaster of Paris.

That all these products may find their markets, railroads have been stretched across the State, great boats built, canals constructed, and water-ways deepened.

Places easy of access for shipping, rolling-mills, saw-mills and factories have become centres of prosperous cities. Detroit and Port Huron are the principal ports of export and import. Grand Rapids and Saginaw carry on immense manufactures; St. Joseph, Muskegon, and Grand Haven give outlet to trade with the West.

37. Unsurpassed in natural resources, Michigan has made great advancement in the sixty years of her statehood. The foreign element of her population is rapidly being Americanized by the public school. Her citizens are industrious, intelligent and progressive; their gifts to education and charities are magnificent. Upon the broad principles of freedom and equality they have reared the commonwealth. Statesmen, jurists, law-makers, educators, men of affairs, have rendered large service in the past; their achievements afford hope for the future. A just and strong government, administered by an intelligent citizenship; a sound material prosperity; a broad, liberal education, and an Americanized society—these things are the hope of the future. The realization of this hope is with the youth of the State; to them is committed the trust of perfecting the work so grandly begun by their fathers.

QUESTIONS INDICATING LINES OF SPECIAL STUDY.

1. Who were the bush-rangers?
2. What was the northern route of early French enterprise?
3. Why did Cadillac choose Detroit for a settlement?
4. Which did more for the spread of civilization, Cadillac or La Salle?
5. What did Cadillac do of permanent interest in Michigan?
6. Was Marquette's idea opposed to that of Cadillac?
7. Why did England discourage settlements in the North-west?
8. Can General Hull be excused for the surrender of Detroit?
9. Why were the people willing to have no voice in the early government of the Territory?
10. Why did not the United States government push the survey of the land?
11. Where did the State get its right to make a constitution?
12. What did the ordinance of 1787 say about education in the North-west Territory?
13. State some instances to show that Governor Cass was brave and just.
14. Who was the founder of Michigan's school system?
15. State the essential difference between the first and the second constitution?
16. Who has charge of the public land in Michigan?
17. Why is the western part of the State adapted to fruit-raising?
18. Which of Michigan's industries is on the decrease? Why?
19. If you should buy a farm in Eastern Michigan, how far back would the abstract go?
20. Draw a map showing the Territory of Michigan in 1835.
21. In what document was the south boundary line established?
22. On what condition was the west line determined?
23. How could the provisions of the ordinance be changed?
24. What boundary lines were changed?
25. Name two important things which were secured to Michigan by the ordinance.

THE GREAT SEAL OF THE STATE OF MICHIGAN.

CHAPTER II.

THE CIVIL GOVERNMENT OF MICHIGAN AT THE PRESENT TIME.

38. Citizens and Electors.—All persons living under a government, owing allegiance to it and enjoying the protection of its laws, are citizens. Males and females, minors and adults, are included in the term *citizens.* No people, however, admit the right of every citizen to share in government by his vote. That right is conferred upon persons having certain qualifications expressly stated by law. The constitution of Michigan determines which of her citizens shall be voters or *electors.*[1] The electors, in the exercise of their sovereign power, by popular vote, determine the form, authority, and permanency of the government.

39. The Constitution.—The voice of the people, constituting the source of all power, is expressed in a funda-

[1] See *Art. VII.* Since the constitution is the source from which a knowledge of government is gained, it is constantly referred to in connection with the text; the study of both is essential to a full understanding of the subject.

mental law called a Constitution. The constitution, drawn up by a convention of men elected for that purpose, was ratified by the people, voting on the same day at their appointed voting-places. By this formal vote the constitution became really the rule of action laid down by the people for direction in government: all questions are referred to it, all official acts are judged by it, and all the organizations of government are subject to its control. It cannot be modified or amended without a direct appeal to the people as when first adopted. The time and method of securing amendments are fully specified.[1]

40. Government Organizations. — The constitution provides for the organization and administration of the government of the State. The organization is secured by central and local governments. The central includes but a single organization, the State; the local includes several organizations, viz., the township, the village or city, and the group of townships or county. In each of the local divisions the power to become a body politic is conferred by the central government, and the subsequent mode of action is determined by the same authority. In Michigan the local governments are practically administrative divisions of the State government.

41. The Province of Central and Local Governments.—The central and local organizations are parts of one whole; each has its distinct province and both are necessary to State government. The State has control over the territory included in its boundary. A study of the State statutes shows that the special function of the State government is the administration of all matters pertaining equally to the whole State in common. For example, the education of the unfortunate and defective; the protection of religious and civil rights; the regulation of corporations, both private and municipal, are matters

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[1] See *Art. XX. Sects. 1 and 2.*

which concern the whole people and are within the province of the central government. In the same way the county, made up of townships, has the administration in matters which pertain equally to all the townships within its boundary. Such, for example, would be the apportionment of taxes among the townships; the digging of a county ditch; or the election of a school commissioner. The township takes care of all matters belonging exclusively to its own territory. The township elects its officers, levies its taxes, supports its schools. The township is a state as independent in its own sphere of government, when once it has been fixed, as is the State itself. Each organization within its clearly-defined province is self-directing.

42. Election Districts.—Self-government, in form, is both primary, as in the township, and representative, as in the county and State. In a primary government all the electors vote directly for the persons who serve them in administration, and the electors also constitute the law-making body. But in a representative government legislation, as well as administration, is carried on by representatives elected for that purpose. The interests of the people are best subserved by small constituencies. The State is, therefore, divided into districts in each of which a person, or persons, is elected to serve either as judge or law-maker. The number and arrangement of these election districts are provided for in the constitution.[1]

43. Three Departments.—The constitution provides for the distribution of the powers of government among three departments—the legislative, the executive, and the judicial.[2] By these departments all the powers which the people have delegated, are exercised. The departments are separate except where it is otherwise determined by

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[1] See *Art. IV. Sects. 3 and 4.*

[2] See *Art. III. Sects. 1 and 2.*

the constitution: thus the governor is an executive officer, but he has also a limited veto power in legislation; the township board is administrative, but under some circumstances may levy taxes.

THE CENTRAL GOVERNMENT, OR THE STATE.

THE LEGISLATIVE DEPARTMENT.

44. Organization.—The law-making body, vested with authority by the people, is the Legislature.[1] This body is composed of two houses, the Senate and the House of Representatives. Each has a presiding officer, several clerks, a sergeant-at-arms, and such other officers as may be necessary. The presiding officer of the House is called the speaker, and is chosen by the members from their own number. The lieutenant-governor is president of the Senate. Each house also elects an officer to preside *pro tempore* in case of the absence of the regular presiding officer.

The presiding officer in each house has the naming of the standing committees.[2] The membership of these committees varies from three to seven, usually larger in the House than in the Senate. The committee has come to hold a very important place in legislation. Every proposed law is referred to a committee, whose business it is to examine the subject, and after careful deliberation to recommend a course of action. The legislature is not bound to acquiesce in the decision of the committee, but, practically, its advice is rarely disregarded, so that the committee exercises great direction in legislation. The practice shows how custom, by common consent, at last comes to be an unwritten law.

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[1] See *Art. IV. Sect. 1.*

[2] In the session of 1895 each house had fifty-seven committees, including: finance, judiciary, incorporations, public health, asylums, homes, schools, penal institutions, reformatory institutions, etc.

45. General Legislative Power.—All those rights and privileges belonging to the people, and growing out of their large relations as citizens of the same State, become the subjects of legislation. The legislature incorporates townships and counties; it establishes and provides support for all State schools and benevolent institutions; it makes laws to punish crime; it controls business incorporations; it regulates the inheritance of property; it levies taxes for the support of the government; it regulates elections; it establishes the courts and regulates the methods of procedure therein; and it regulates business contracts.

The legislature elects two persons to represent the State in the Senate of the United States; it divides the State into congressional districts, in each of which is elected a national representative.[1]

State law promotes the welfare of the citizen and directs him in his every-day relations and business. The State stands to him as the guarantee of his rights and privileges.

46. Restriction on Legislation. — All those powers which are not expressly delegated to the national government, nor expressly withheld from the State legislature by the Constitution, are, by popular consent, held to be within the province of State legislation. But the powers withheld by the Constitution are considerable.[2] The reasons for some of the prohibitions will be found in the history of the State,[3] while other prohibitions refer to powers which no State legislature could exercise without violating the principles of free government. Such, for example, is the power to restrict liberty of press and speech; to prevent any person from worshipping God according to his own conscience; to suspend the privilege of the writ of *habeas corpus* in time of peace. Still

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[1] In 1895 the State included twelve congressional districts.

[2] See *Art. IV.*

[3] See pages 20, 21.

others are designed to secure deliberation and fairness in law-making,[1] or equal rights to all persons.[2] The present constitution, shows an unwillingness on the part of its framers to trust too much to a legislature of inexperienced or interested law-makers. Besides restricting the powers of legislation, the constitution gives the governor the power to veto all laws enacted. The veto is not absolute, and any measure, by a vote of two-thirds of the legislature may become a law without the governor's approval.[3]

47. The Legislature.—The qualifications for membership; the election of members; their compensation and privileges; the time and place of meeting; the adjournment, are all expressly stated in the constitution.[4] Full power is granted each house to determine its own membership, its order of business, its method of procedure, and the distribution of work among the committees.[5]

48. The Senate.—The State is divided into thirty-two senatorial districts. The rearrangement of districts by the Legislature occurs after the State and the United States census has been made, as provided in the constitution.[6] The Senate constitutes the sole court to try impeachments,[7] and it has power to confirm or reject many of the appointments of public officers made by the governor. All other powers and privileges it shares jointly with the House. The power of the Senate extends beyond law-making and touches administration, so that the departments of government are not entirely distinct.

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[1] See *Art. IV. Sects. 20, 25, 28.* [2] *Art. XV. Sect. 1; Art. IV. Sects. 40, 41.*

[3] See *Art. IV. Sect. 14.*

[4] See *Art. VII.; Art. IV. Sects. 5, 6, 7, 15, 30, 32, 33, 34.*

[5] See *Art. IV. Sect. 9,* and *Legislative Manual,* p. 82. The *Legislative Manual,* costing $1.25, can be secured by addressing the secretary of state at Lansing, and should be on every teacher's table.

[6] See *Art. IV. Sects. 2, 4.* [7] See *Art. XII. Sect. 2.*

THE CAPITOL BUILDING AT LANSING, MICH.

49. The House of Representatives.—The membership in the House has now reached the limit fixed in the Constitution.[1] After each census the population is divided by 100 and the quotient is the ratio of representation for the ensuing ten years. The board of supervisors in each county in accordance with such apportionment determines the representative districts in the county.[2] The House has the sole power to impeach civil officers and to conduct the trial before the Senate.[3] All the other powers of the House are exercised jointly with the Senate.

50. Law-making.—The formality of law-making was so carefully prescribed by the constitution that few details were left to be determined by expediency in actual working.[4] A bill, or proposed law, originating in either house, is, on its introduction, referred to the appropriate committee. After deliberation it is reported back to the house either without recommendation, or with amendments, or with the recommendation that it be passed. If reported upon by the committee with the recommendation that the same "do pass," it is then printed, referred to the committee of the whole,[5] and placed on the general order to be taken up for discussion when it is reached in number. It may be amended by the house on its second and third readings, which must occur on different days. Having passed the house in which it originated, it is sent to the other house, where it is treated in all respects as though it had originated therein. Should it be amended in the

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[1] See *Art. IV. Sect. 3.*

[2] In 1894 three cities constituted districts for electing fifteen representatives: Saginaw 2, Grand Rapids 3, Detroit 10. The other 85 districts elected one each. Only 19 counties now include but a single district.

[3] See *Art. XII. Sect.* 3.

[4] See *Art. IV. Sects. 13, 19. Legislative Manual*, ch. viii. p. 97.

[5] The "committee of the whole" is the house presided over by some person whom the regular officer asks to preside.

second house, it must be returned and adopted by the other house before it can become a law. In case no agreement can be reached after amendment, the measure fails.[1] Having received the sanction of both houses it is engrossed and sent to the governor for his action.[2] If he approves the bill it is enrolled and becomes a law in the usual time, unless otherwise ordered.[3]

STUDY ON THE LEGISLATIVE DEPARTMENT.

1. THE LEGISLATURE.

HOUSES.	OFFICERS.
MEMBERSHIP.	PRIVILEGES.
QUALIFICATIONS.	SALARY.
ELECTION.	REMOVAL.
TERM.	VACANCY.
BEGINNING.	

2. LAW-MAKING.

STEPS.	PECULIAR POWERS OF EACH.
GENERAL POWERS OF BOTH HOUSES.	PROHIBITIONS.
	CHECKS.

NOTE.—The tabular form will be found convenient for written work. (See *Township Summary, page 58.*)

1. Why go into a "committee of the whole"?
2. How is a law proved unconstitutional?
3. To what committee would a bill providing for the support of the normal school be referred?
4. Define *bill, act, law, joint resolution, concurrent resolution.*
5. What is "the enabling clause" of a bill?
6. In how many ways may a bill become a law?

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[1] The matter of difference may be referred to a joint committee to effect a compromise upon which both houses can agree, if possible.

[2] See *Art. IV. Sect. 14.* [3] See *Art. IV. Sect. 20*

THE EXECUTIVE DEPARTMENT.

51. The Executive.—According to the constitution, the executive power is vested in a governor, but the governor is only a part of the executive in the central government. Several other officers, elected by the people and directly responsible to them, are associated with him. The scope of the authority of each is distinct and well defined, subject only to supervision and report. Together they constitute the "executive." Their combined authority is co-extensive with that of State legislation. In a single instance—the removal of officers with legal cause—executive authority extends beyond central government and touches local organization.

The number of executive officers, the election, the eligibility, the qualifications, terms of service, and salaries, are all specified in the constitution.[1]

52. The Governor.—The governor is the principal executive officer. As chief executive, it is his duty to execute the laws, and to preserve peace and order. He is commander-in-chief of the military and naval forces of the State; with the consent of the Senate, he appoints the principal officers of the State that are not elected by the people,[2] and the members of the boards of the various institutions; he fills vacancies in certain State offices and removes certain persons from office on legal cause;[3] he appoints a United States senator to fill a vacancy until the legislature chooses a successor, and he represents the State in business transactions. He does not control the departments of State, but through the annual reports submitted to him by the departments he exercises a general supervision of the same.

In legislation it is the duty of the governor to transmit to the legislature, by messages, all information concerning

[1] See *Art. V., Art. VIII., Art. IX.* and *Legislative Manual.*

[2] See ¶ 60.

[3] See *Art. XII. Sect. 8.*

the condition of the State, and to indicate a general policy in legislation; he convenes extra sessions of the legislature when necessary; issues writs for special elections to fill vacancies in the State's representation in Congress; examines all bills submitted to him—signing those which he approves and returning the others, with his reasons for their rejection, to the house in which they originated.

Toward the judiciary it is his duty in every way to further the ends of justice. He may demand fugitives from justice in this State from the executive of any other State, and upon the requisition of governors of other States may issue warrants for the arrest of fugitives found in this State. He may grant pardons, reprieves, and commutations for crimes except in cases of treason and impeachment. That the people may be protected from a dangerous exercise of this function he must act with the advisory board of pardons.[1]

The power which the governor holds in relation to the legislative and judicial departments of the government belongs to him peculiarly as chief executive of the Commonwealth.

53. The Lieutenant-Governor.—The constitution has secured permanency in administration by providing that in case the governor, for any cause, shall be removed, the duties of that office shall devolve upon the lieutenant-governor. His duties are prescribed in the constitution.[2] In case of his disability from any cause, the duties of the office devolve upon the president *pro tempore* of the Senate.

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[1] The act providing for the present board of pardons went into effect in 1893. The board consists of four persons appointed by the governor for a term of four years. The duty of the board is to investigate the cases of such persons confined in prison as may petition for pardon, and to report to the governor the result of their deliberations with such recommendations touching the matter as may seem expedient.

[2] See *Art. V. Sects. 13 and 14.*

54. The Department of State.—Chief among the duties of the secretary of state[1] is the making and keeping of records. All public records, reports, laws, and resolutions are enrolled in his office. He publishes the laws and resolutions of the legislature; the amendments to the constitution; reports relating to State officers and boards; the legislative manual; annual reports relating to agriculture and vital statistics; he supervises the taking of the State census and the compilation of the statistics; he gives notice to the sheriffs of State elections, furnishes blanks and receives the election returns; he submits to the decision of the electors all amendments to the constitution; he attests all proclamations, commissions, and other documents issued by the governor, and as evidence of their authenticity, stamps them with the great seal of the State, of which he is the custodian; he approves and files all bonds required by the State of persons and corporations; he files or records all articles of association or incorporation of societies and companies constituted by law, as the grangers, the military companies, the bar association, mining companies, railroad companies, etc.

55. The Department of Treasury.—The State treasurer is the receiving officer and custodian of the State funds. He is required to give a bond in the sum of $150,000 with three sureties, for the faithful discharge of his duties. He pays out the money of the State only in pursuance of apportionments made by law.[2] He is required to make an annual report to the governor, with a summary of the receipts and payments of the treasury during the year.

56. The Auditor's Department.—The auditor-general is the account-keeper between the State treasurer and the State. All money is paid out by the treasurer upon the auditor's warrant, and he countersigns all receipts of the treasurer; he estimates and charges specific taxes upon

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[1] See *Art. V. Sects. 18 and 19.*

[2] See *Art. XIV. Sect. 5.*

corporations, apportions the State tax among the counties, makes sales of lands delinquent for taxes, receives returns for sales and executes deeds to purchasers. He examines and adjusts all claims against the State and settles claims in favor of the State; he is required to keep an exact account of all financial transactions of the State.

57. The State Land Office.—The commissioner of the State land office has the general management of all the lands belonging to the State or in which the State has any interest, or which are held by the State in trust for any purpose; he attends to the selling, leasing, and general disposition of all lands of the State, issues licenses to homestead settlers, and restores to market forfeited homesteads; he has the custody of all books, records, and papers relating to public lands.

58. The Attorney-General.—This officer is the legal adviser of the State officials; of prosecuting attorneys, in matters pertaining to their offices; of State boards of public institutions, prison inspectors, etc.; he represents the State in the supreme court in all actions in which the State is interested, and may be required to appear for the people in any court or tribunal in any matter in which the State or any department of the government may be a party.

59. The Department of Public Instruction.—The superintendent of public instruction has general oversight of the common schools and of the State institutions; he apportions the interest from the primary school fund among the counties according to the school population; organizes and directs the work in the county institutes; confers with the county school commissioners, and prepares questions for the county examinations; he visits the State institutions, confers with their boards and appoints their visiting committees. He receives reports from the State chartered schools and from the superintendents of the graded schools; he publishes the school law and makes

an annual report to the governor containing the tabulated statistics of all the schools in the State.

60. Administrative Boards.—Five boards were created by the constitution,[1] which also determined their membership and duties. From time to time, as the State has developed, others have been established by the legislature to further the administration of government.[2] Membership of these boards is obtained: *ex-officio*, as the board of auditors, the board of canvassers, and the board of equalizers;[3] by election, as the board of regents and the board of education; by the appointment of the governor, as the advisory board of pardons—which also acts as board of inspection of penal institutions—and the board of health; by the governor with consent of the Senate, as the State board of agriculture, the central board of corrections and charities, and the central board of control of State institutions.

The Central Board of Corrections and Charities has general oversight of the penal, reformatory and charitable institutions in the State. It is the duty of the board to visit these institutions at least once in each year. Biennially, they are required to report upon the estimates for current expenses and for special purposes, which are submitted to them by the boards of direct control of these institutions. The report of this board must always accompany the request of the board of control asking appropriations from the legislature. At least one annual visit by

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[1] See *Art. XIII. Sects. 6 and 9, Art. XIV. Sect. 13, Art. VIII. Sect. 4.*

[2] For a full list of boards with their duties, see Howell's *Annotated Statutes*, or *Legislative Manual*.

[3] See *Art. XIV. Sect. 13.* The membership of the board of equalization consists *ex-officio*, of the lieutenant-governor, auditor-general, secretary of state, State treasurer, and commissioner of land office. Each county usually sends a delegate to meet with the board. The board distributes the assessment among the counties in just and due proportion.

some one of the commissioners must be made to every county-house and jail in the State. They make reports of the conditions found therein to the proper local authorities. The State prison, the State house of correction and reformatory, the asylum for the dangerous and criminal insane, the State house of correction and branch of the State prison in the upper peninsula, the industrial school for boys, and the industrial school for girls are all included in their general control. The board consists of four commissioners appointed for a term of eight years, one being appointed every two years. They receive no compensation for their services, but are paid actual expenses while in the performance of their duties. The secretary chosen by the board has his office at Lansing and gives his entire time to the business of the board.

The Central Board of Control of State Institutions has general oversight of the school for the blind, the school for the deaf, and the State public school. The board consists of four members appointed for a term of eight years.

The working of the central board illustrates the advantage of general management in connection with the board of direct control for each institution. The soldiers' home, the home for the feeble-minded and epileptic, and the three asylums for the insane have not yet been put under a central board.

61. State Officers Not Elected.—Interests not strictly governmental but vital to the well-being of a people are subserved by the officials called commissioners. These offices were created by the legislature and are filled by the appointment of the governor with the approval of the Senate. The following are the important officers: commissioners of insurance, of railroads, of labor, of State banking, of mineral statistics; inspector of oils, inspector of salt; veterinarian; game and fish warden; dairy and

food commissioner; State librarian.[1] The name indicates the duties of these officials.

62. The Militia.—All able-bodied male citizens of the State between eighteen and forty-five years of age who are not exempted by law belong to the *enrolled* militia,[2] but are not called upon to perform military duty except when in case of war, rebellion, or invasion, a sufficient number of volunteers cannot be had. The *organized* militia is known as the National Guard of the State,[3] and is composed of volunteers from the enrolled militia, who are uniformed, armed, and equipped at the expense of the State, and drilled in conformity with the system employed in the United States army. The governor of the State is *ex-officio* the commander-in-chief of the National Guard, and the principal officers are the adjutant-general, through whom the commander-in-chief issues his orders; the inspector-general, who has supervision of the mustering, discipline, and inspection of the troops and the examination and inspection of armories; and the quartermaster-general, who has supervision of the arms, equipments, arsenals, and military supplies and property. The adjutant-general, the quartermaster-general, and the inspector-general compose the military board, which acts as an advisory body to the commander-in-chief on all matters relating to the management of the National Guard. It is the duty of the National Guard to respond to any call from the proper authorities to aid in suppressing riots, mobs, and tumults which the civil authorities have not the requisite strength to subdue. The National Guard stands back of the law as a guarantee of peace and good order.

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[1] See *Statutes*, also *Legislative Manual*. [2] See *Art. XVII.*

[3] In 1895 the National Guard consisted of one brigade of five regiments, numbering 2895 men, including the brigade, regimental and company officers.

STUDY ON THE EXECUTIVE DEPARTMENT.

I. THE OFFICERS.

NAMES.	SALARY.
HOW CREATED.	VACANCY FILLED.
HOW CHOSEN.	REMOVAL.
TERM.	DUTIES.

II. ADMINISTRATIVE BOARDS.

NAMES.	TERM.
MEMBERSHIP.	DUTIES.
HOW CHOSEN.	TO WHOM RESPONSIBLE.

1. To whom is the governor accountable?
2. Where does the governor render his account?
3. How many days has the governor in which to sign bills after the legislature adjourns?
4. How is the appointing power controlled?
5. What are the privileges of the lieutenant-governor in the Senate?
6. Index the Constitution, showing all possible reference to the "Executive."

SUGGESTIVE QUESTIONS.

1. Name some cases in which the governor has used his pardoning power.
2. Cite some cases in which the governor has used his power to remove State officials.
3. What is meant by civil privileges? By political privileges? Do all citizens enjoy both?
4. Do State officers receive fees?
5. State some things which show a tendency to centralize executive authority?
6. Study up the *St. Mary's Canal.* Who controls it?
7. Make a list of the institutions supported by the State; where located; how controlled; and some reason for their existence.
8. How are pupils admitted to the industrial schools?

The Judicial Department.

63. The study of the parts of the State thus far has shown the central government nearly separate from any other government organization. The judicial department of the central government, however, bears a recognized relation to the judicial department of the local government. The central court is not superior, neither are the local courts inferior, in the sense that one is created by the other or in any way responsible to the official authority of the other. The local courts are created by the constitution, and the magistrates therein are elected by the electors of the district in which the court exists. The courts are therefore largely responsible to the people of the judicial district. The law has established a course of appeal from the lowest to the highest, and it is this law of appeal which binds the courts together in the judicial system. The superior court is also given, by law, a general superintending control over all the inferior courts. The control is felt, however, in the authority of law rather than in the official authority of the court.[1] The courts embraced in the judicial system are the supreme court in the State, the circuit court in the district, the probate court in the county, the justice's court in the township, and the municipal courts of the city.

64. The Supreme Court by an act of the legislature consists of one chief justice and four associate justices, elected by the people, one every two years at the April election, to serve for a term of ten years. The justice whose office soonest expires is the chief justice. The terms of the supreme court are held at Lansing.[2] Each justice receives a salary of $7000 and resides at Lansing during his term of office. The officers of the court chosen by that body are clerk, reporter, crier, and attorney.

65. The Jurisdiction of the Supreme Court is both

[1] See *Art. VI.*

[2] See *Art. VI. Sect. 4.*

original and appellate.[1] Cases under remedial writs, issued by the court, such as a writ of *habeas corpus*, are begun in this court. Its original jurisdiction is limited by the constitution to a few such cases. The court also has authority to issue writs of error and to call up for review, cases which have been decided in the lower courts. The appeal is taken by the lower court on the part of the person aggrieved, but the writ is issued by the higher court. All such cases come within the appellate jurisdiction of the court. A writ of error is issued only on the reasonable evidence of error in the interpretation or application of law in the previous trial by the lower court. As it is a question of law which is to be decided, a jury is not required. All the proceedings in the case, including the arguments of the attorneys both for and against the error, must be submitted in printed form. The court in its opinion, rendered after examination of the matter, either sustains the decision, modifies it, or affirms the error and sends the case back to the lower court for another trial.

The decisions of the supreme court are the unwritten laws, and to a great extent determine the practice in the lower courts. It is the business of the reporter to publish the decisions of the court, and the records are kept in the clerk's office.

66. The Circuit Court.—The State is divided by the legislature into judicial districts which constitute the circuit of the judge elected therein.[2]

The officers of the circuit court are the circuit judges and the county officers—clerk, prosecuting attorney, sheriff, and circuit court commissioners, elected in each organized county.

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[1] See *Art. VI. Sect. 3.*

[2] In 1895 the State included thirty-four districts, thirty-one of w elected one judge each; two districts, Kent and Saginaw, each two judges, and one district, Wayne, elected five judges. See *Sect. 6.*

This court is the people's court, to which they look for the protection of their rights. It has both original and appellate jurisdiction. The cases beginning in the court are both civil and criminal. Over cases of minor offences and misdemeanors, as well as over civil cases involving only small sums of money which are tried in the justice's court, it has appellate jurisdiction. If an appeal be taken from the justice's court to the circuit, this court tries the case in all respects as though it were the first instance. This court holds its terms in each county in the judicial district at least twice in each year and at such other times as the interests of the people demand. Because its interests are *localized*, and because its inferior officers are all elected in the county, this court is usually regarded as a county court. The working of the court will be taken up in detail in connection with county organization.[1]

67. The Income of the State.—The general fund is derived from the taxation of real and personal taxable property. This is the principal fund. This tax is apportioned among the counties by the auditor-general, and every five years the board of equalization determines the just proportion among them. The specific tax levied upon business corporations, such as railroads, insurance companies, building and loan associations, etc., constitutes a second source. The interest on the fund derived from the sale of school lands, the St. Mary's Canal fund, and the tax on certain manufactures are also sources of considerable income.

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[1] The other courts in the system will be considered in connection with the local government of which they are a department.

STUDY ON THE JUDICIAL DEPARTMENT.

THE SUPREME COURT.

OFFICERS.	TERM.
HOW CHOSEN.	SALARY.
WHEN CHOSEN.	TERMS OF COURT.
QUALIFICATIONS.	JURISDICTION.

1. State some changes which have been made in this court since it was established.
2. Give some reason for establishing such a court.
3. Why should the higher court always issue the writ of error?
4. How are decisions made in this court?
5. How is the supreme court controlled?
6. What is the meaning and use of the words *Habeas corpus?*
7. Give the root meaning of *jurisdiction.*
8. Define jurisdiction as limited by each of the following words: *civil, criminal, concurrent, original, appellate.*

GENERAL SUMMARY OF THE STATE.

The parts of the State. In what does each consist?

The duties of each part in legislation, in administration, in justice, in war.

The relation between the parts as aids and as checks.

The authority by which a State is organized.

The steps in the organization.

The provision for revising the State constitution.

CHAPTER III.

LOCAL GOVERNMENTS.

68. Characteristics of Local Government.—The local governments in Michigan, except in the cities, are simple and uniform in organization and in method of action. They are not the results of gradual political development, but were established by the people acting under the authority of and in accordance with State law. The local officer finds his warrant of power in the State law. The scope of the local civil law is always determined by the State law. The practice in the courts is always based upon State law. But while the central law and authority is fundamental, each local government is left to its independent action in the application of law to local affairs. The responsibility is with the people, and to the people their officers are accountable. The judgment is rendered at the polls, unless in extreme cases recourse may be had to the courts under the law, or the officers be removed by the governor for legal cause.

69. The Duties of Local Government.—All those things which strictly and exclusively concern the *locality* constitute the duties of local government. The following serve as illustrations: The building and maintenance of bridges, the care of the poor, building jails and court-houses, supporting schools, the assessment of property and collection of taxes, the election of local officers, sanitation, roads and sidewalks, lighting and fire-protection. In all these things, as well as in many others, it becomes the duty of the local government to promote the public good and to protect the rights of individuals.

70. Different Local Forms.—The local organizations as they are found in Michigan have resulted from the immediate necessities of the people modified by their previous knowledge and experience. The early settlers, aside from the French, who did not concern themselves with local institutions, were from the Eastern States, and were familiar with both township and county organization. When they needed an organization to administer law and justice, the *county* was established, because by its representative form it was adapted to a scattered people. This was the earliest local form. The settlers brought with them the New England idea of education, and Congress having surveyed the land and set off the school section, the *township*, well adapted to the purpose, was made to support the schools. Congress had used the old historic names of county and township in the surveys, so that the same names reappear in the forms of local government. In the populous townships the subdivisions into *school districts* follow naturally, as also do the civic forms of *city* and *village*.

71. The Primary Unit in Government.—The county is a group of townships, and the township government forms an organic part of county government. The township is divided into school districts, but the school district does not form any part of township government. On the contrary, it is only a department of town administration. The village is a part of the township, the city is a township having special powers under a charter, and as such it retains its organic relation to the county. The township is therefore the primary unit in local organizations for government.

THE TOWNSHIP.

72. The Historical Idea in the township is a very old one. The Anglo-Saxon people, as far as history shows, have always held the principles of self-government. In

Germany, their ancient home, each community constituted a body politic for the control of all interest growing out of the community relation. In their assemblies—which could have been little more than the gathering of robber warriors about their chieftains—the people, with great shouts and clashing of spears, gave consent. But the principle of *sharing* was there. Into whatever country the people migrated they settled in towns and set up the town meeting in which they shared the rights of government. The New England township was the old idea transplanted again to new soil. It was the same common interest, secured and controlled by the people living in the township,—the same sharing in common benefits, in common rights, in common duties. It was the same principle of self-government which was destined to build another great political nation.

73. The Congressional Township.—In 1796 Congress ordered the land belonging to the national government to be surveyed into townships to consist of tracts of land six miles square. Each township was divided into thirty-six sections; each section into four quarter sections; and each quarter section into lots containing forty acres. These congressional townships, when the people settled in them, became convenient areas in which to organize local government. The congressional township usually became the basis of the civil township, and while they are usually identical in their area and boundaries, they are not the same and must not be confounded.

74. The Town-Meeting.—The people hold the right conferred by the act of incorporation to control all matters growing out of their relation as residents of the same township, and to provide for the safety of those interests which arise from their larger relation in the county. The political franchise thus conferred embraces the right to vote. Every right carries with it a corresponding duty, so that it becomes the duty of every person properly quali-

fied to exercise his right of political citizenship.[1] The franchise also includes the right to judge of the qualification of voters, and to regulate matters of public necessity and convenience, such as appropriating money for public uses, levying taxes, providing for the support of township libraries; to attend, in short, to all matters of purely local interest, controlled only by the "public good" rule. That "what concerns all may be approved by all," every elector is under obligation to attend the town-meeting,[2] at which the officers of the township are elected and by-laws for directing and managing the affairs of the township are enacted.

The town-meeting is held on the first Monday in April.[3] The supervisor is moderator of the meeting. The supervisor, the justice of the peace whose office soonest expires, and the township clerk constitute the board of inspectors of elections.

75. The Supervisor.—The constitution provides that annually the township shall elect one supervisor. The supervisor is the chief administrative officer of the township; he assesses the value of all property and prepares a tabulated statement which is the basis for the levying of taxes; he represents the township in all legal proceedings; he represents the township in the county board; he is chairman of the township board.

76. The Clerk.—The clerk is charged with keeping the records of the township. In these records are included the minutes of the town-meeting; the minutes of proceedings of the board of school inspectors; the file of mortgages on personal property, with an alphabetical list of the parties named; an account with the town treas-

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[1] See *Art. VII. Sect. 1.*

[2] Michigan was the first Western State to adopt the primary meeting of the electors as it existed in New England.

[3] Special town-meetings may be called by the township board when necessary.

urer. The clerk must give a bond to the township for the faithful performance of his duties.

77. The Treasurer.—The money to be used for township purposes is received and paid out by the treasurer. Orders for money must be signed by the clerk and countersigned by the chairman of the township board. All county and State taxes are paid to the township treasurer, and he pays them over to the proper officers. Like the clerk, he must give a bond commensurate with the money which passes through his hands. The treasurer cannot serve more than two years in succession.

78. Justices of the Peace.—The administration of justice in the township is provided for by the local courts.[1] The officers of these courts, the justices of the peace, are elected for a term of four years, one being elected each year. They have jurisdiction in both civil and criminal cases of minor importance.[2] They also act as examining magistrates to determine whether persons arrested, charged with serious crime, shall be held for trial in the higher court. If on examination of witnesses there is found evidence of guilt, the case is sent to the circuit court for trial, and the accused person may be released on his giving bail or security to appear in court when summoned. If the crime is one which is not bailable, such as murder, or if the accused person fails to give satisfactory security to appear in court when summoned, he is sent to the county jail, where he remains until the case is tried, unless he is released through a writ of *habeas corpus.*

The justices may issue warrants, solemnize marriage, administer oaths and attest signatures. Under the constitution the statute limits the jurisdiction of the justice's court; determines the conditions under which appeal may be made from the court; and regulates the penal-

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[1] See *Art. VI. Sect. 17.*

[2] See *Art. VI. Sect. 18.*

ties imposed by the court. The penalties include fines and imprisonment in the county jail.

79. Constables.—These officers, not exceeding four, are the assistants of the justices. The constable has authority to serve writs and notices, and to make arrests when armed with proper warrants,[1] or when a breach of the peace is committed or a law violated in his presence, or when the person is a known felon. The constable is responsible for the peace of the community, and when unable to secure this alone, he may call upon the citizens of the township to assist in the performance of this duty. If their aid is not sufficient, he may call upon the sheriff of the county.[2]

80. The Highway Commissioner is responsible for the condition of the public roads; he has charge of the highways and bridges in the township; he divides the township into road districts; he appoints the overseers of highways when vacancies occur, and he selects persons to work on the highways.

81. The Overseers of Highways, or Path-Masters.—It is the duty of the overseers of the highways to see that the roads are kept in good order; to superintend all work on the roads; and to see that all noxious weeds growing on the sides of the highways are destroyed. They act also as fence-viewers; as such, it is their duty to adjust and settle disputes that may occur between persons occupying adjoining lands, in regard to building and repairing fences.

82. The Drain Commissioner locates drains and ditches, superintends their construction, and changes and improves those already constructed, so as to secure the uniform and efficient drainage of the township.

83. The Pound-Master has the charge of horses, cattle and other animals found running at large, of which he

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[1] Examine actual writs and find th-

[2] See ¶ 118, page 72.

keeps possession until the owners pay the pound-master's charges.

84. The Township Board.—The supervisor, the two justices whose term of office soonest expires, and the township clerk, constitute the township board. The general management of the affairs of the township is vested in this board. Its duties are mainly administrative, but they may be extended to raising money, if for any reason the town-meeting has neglected to do so. The board is empowered to fill vacancies in township offices and also to remove district officers for cause; it examines all bills and claims against the township and gives orders on the treasurer for their payment, when found correct; it audits the accounts of the township treasurer, and it acts as the township board of health; as such, it is the duty of the board to take such measures and enforce such regulations as will protect and promote the health of the community.

85. The Board of Review.—It is the duty of this board to see that no injustice is done by an unfair valuation of property. The board, composed of the supervisor and two other persons, one elected annually to serve for two years, meets twice each year, in May, to listen to complaints and to correct errors in the assessment roll.

86. The Board of School Inspectors.—The township-board of school inspectors consists of the township-clerk, *ex-officio,* and two other members, one elected each year for a term of two years. The board has general charge of township libraries and the purchase of books for the same. This board also divides the township into school districts and may change the boundaries thereof when circumstances require.

87. The School District is incorporated under State law through the township board and board of school inspectors. It is a precinct for the election of the district officers. Its school board, composed of the district of-

ficers, controls all school property in the district and supervises the schools within the school district.

Through the school district the township regulates all school affairs.[1]

STUDY ON THE TOWNSHIP.

1. Give the authority found in the constitution for paragraph 68.
2. What "common interests" held the New England township together?
3. What "common ownerships" have our townships now?
4. For what purpose would a special town-meeting be called?
5. What are town laws usually called, and why?
6. Give the root meaning of *community*, *town* and *by*.
7. The historical reason for using these names.
8. What is the advantage of having a township board?
9. Is the district organization an advantage? (Class discussion.)
10. Subjects for written papers: The English township. Show how Plymouth township was changed to Plymouth State. Contrast the township with the State government.

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[1] See ¶ 122, page 78.

SUMMARY OF TOWNSHIP.

Officers.	Created.	Chosen.	No.	Term.	Salary per diem.	Removal.	Vacancy filled.
Supervisor	By Constitution.	Elected in Township First Monday in April.	1	1	$2.00	By Governor, for legal cause.	Township board until Election.
Clerk			1	1	1.50, fees.		
Highway Commissioner			1	1	1.50		
Drain Commissioner			1	2	3.00		
Constable			1-4	1	fees.		
Pound-Master			1	1	fees.		
Treasurer			1	1	7.50, fees.		Township board.
Justice of the Peace			4	4	fees.		Election.
Overseer of Highways			1	1	1.00		Highway Comm.
Boards.							
Township—Supervisor	By Statute.	Ex-officio.	4	1		By Township board.	Remaining officers or board of School Inspectors.
Two Justices							
Clerk							
Inspectors—Clerk	By Const.	Ex-officio.					
Two Members		Elected.	3	2	1.50		
Review—Supervisor	By Statute.	Ex-officio.					
Two Members		Elected.	3	2	2.00		
District—Moderator		Elected in District First Mon. in Sept.					
Director			3	1			
Assessor							

THE VILLAGE.

88. The Incorporation.—As the country develops and the population increases, it often occurs that a number of people for economic and industrial reasons live within a small area, so that one part of a township becomes more populous than another. Such close communities have other needs and wider interests than do the people in more sparsely settled localities. To secure their rights and to protect their interests, a community having a population of not less than three hundred, within an area of two square miles, may become an incorporated village. Upon the request of the majority, the incorporation may be secured either under a specific act or by complying with the requirements stated in the general law.

The statute defines all the peculiar rights which belong to the village, and with great detail specifies its powers and privileges. State law creates the village body politic, and controls its officers.

89. The Organization.—The village retains its place in the township. The residents in the village vote for the township officers, share in raising township taxes, and are represented by township officers in the county. But under the articles of incorporation, the village holds an election of village officers annually, usually on the second Monday in March. These officers consist of president, clerk, treasurer, constable, assessor, street commissioner—each to hold office for one year—and six trustees holding office two years, three being elected each year. The president and trustees constitute the village board of trustees or council. The government of the village is not primary, like that of the township, but the officers, when they have taken the prescribed oath of office, are vested with authority to control in matters belonging exclusively to the village.

90. The Duties of the Board of Trustees.—It is the duty of the board to make and carry out all ordinances or laws, whereby the well-being of the people in the village may be secured. The following include some of the important subjects of ordinances: The restraint of vice and immorality, the preservation of health, the protection of property from fire and burglary, the securing of public comfort and convenience by licensing public conveyances and public houses, paving and lighting streets, the inspection of markets, licensing of games, etc. The board has the authority to make all regulations, not in violation of the constitution and general laws of the State, that it may deem necessary for the safety and good government of the village and the general welfare of its inhabitants. It also has power to raise by general tax a sum sufficient to defray all public expenses. This board is a township board with enlarged powers.

91. The Duties of Village Officers.—The duties of the officers in a village are not materially different from those of the corresponding officers in the township. The duties of the clerk, the street commissioner, the treasurer, and the constable have already been sufficiently described under the township.

The Assessor is authorized to make the assessment roll, showing the valuation of the property and the amount of tax to be paid by each person in the village. The assessor and clerk constitute a board of review with duties similar to those of the board of review in the township. Special assessments are made by a board appointed for that purpose by the council.

The President is the chief executive officer of the village. It is his duty to exercise supervision over the affairs of the village and over the public property belonging thereto, and to see that the ordinances made by the board of trustees are enforced.

Such Other Officers as are necessary or are deemed ex-

pedient for the execution of the government are provided for by the council.

92. The Courts.—Justice is administered in the village by the same courts as in the township. It is usually the seat of the justice's court.

93. The Schools.—The village constitutes a school district, in which are elected the school officers. The officers control matters pertaining to the schools, in all respects as in the township.

THE CITY.

94. Differences in Organization.—The township is a pure democracy holding a single primary meeting for the election of the officers and the passing of such by-laws as are deemed necessary for the well-being of the townsmen. The village, though holding a primary meeting for the election of officers, is a representative democracy. The elected officers are the representatives of the people and are vested with full legislative and executive authority. The city departs still farther from a pure democracy in that the primary meeting is no longer practicable and the voting is done in voting precincts instead. In this regard it approaches the form of the State. It is also like the State in being a representative government. The village retains its organic relation to the township, but the city is wholly separate from the township, holding direct relation only with the county in which it is located. The city may also differ from other local governments in being a separate judicial district with its own courts and officers.

95. The Charter.—Usually the city is incorporated under a separate act of legislature, whereby is secured a charter. The charter is the constitution of the political state thus created and cannot be changed or amended without another act of legislation. The charter names the city, limits the territory over which the government has control, specifies the franchise conferred upon the

people thus organized, names the officers of the city and defines their duties, and regulates the operation of all the departments of the city government. Each city has its seal, or sign of authority and incorporation.

The franchise held by cities under different charters varies so much that only a few things can be stated as universally true.

96. Election and Officers.—Every city is divided into wards, which are districts for the election of at least one class of ward officers—*the aldermen.* In large cities each ward for convenience is divided into voting precincts. Every city has at least one officer—the *mayor*—elected by popular vote. Many cities elect beside the two aldermen, a supervisor and a constable in each ward, while others are divided into districts embracing several wards, in which are elected a supervisor, a constable and a justice of the peace. The following city officers are named in the statutes: mayor, city marshal, city clerk, city treasurer, city collector, street commissioner, school inspectors, and justices of the peace, and the council may provide for the election of a city comptroller and for the election or appointment of such other officers as may be deemed necessary for the execution of the powers granted by the charter.

97. The Common Council.—The legislative body of the city is the common council. It is strictly a representative body, composed of the aldermen from the wards and presided over by the mayor, or by a president elected from the councilmen. Its laws or ordinances in many cities are subject to the absolute veto of the mayor. It is within the power of this body to pass ordinances relative to borrowing money, making public improvements, granting franchise for public works, organization of departments for public service, and to perform all ordinary functions of a legislature. It is within its power to create reformatory and educational institutions, to lay out and keep in order parks, drives, etc. The council has the

power to raise money by general taxation for the defraying of the city expenses. Besides controlling taxation and ordinance-making, this body exercises large control in administration through the power which it holds of confirming appointments. In this matter there is, however, no uniform practice. The tendency would seem to be toward restricting the appointing power to the executive head.

98. The Mayor is the chief executive officer of the city and is responsible for a sound and efficient administration. To this end he is vested with a large appointing power, extending to all officers not elected, and its corresponding power of removal. He has the supervision of all administrative departments of the city government, to see that the laws and ordinances are enforced. He is the conservator of peace and, if circumstances demand, may assume the power of the sheriff and require aid from citizens to suppress riots.

99. The City Marshal is the chief of the police of the city, and as such he is under the direction of the mayor. He is vested with powers conferred upon the sheriff for the preservation of quiet and good order. He can arrest with or without process of law, any person found committing any offence against the laws of the State or the ordinances of the city and forthwith take such person before the proper magistrate or court for examination or trial.

100. The Duties of Other Officers.—The duties of the treasurer, street commissioner, school inspectors, justices, and constables have been described under the township, so that further detail is unnecessary. The difference between the officers in the city and the township is one of extent of authority arising out of the complex relations of a city rather than one of principle of action.

The City Attorney does for the city officers what the State attorney does for the State officers.

The City Surveyor makes the maps, plats, and dia-

grams required by the officers of the city, relating to public improvements.

The Supervisors perform the same duties in the city that they do in the township relating to the assessment of property and the levying of taxes. The supervisors of the city together with the city attorney, under the general law, constitute a board of review. This board has the same duties and powers as the board of review in the township.

101. The City Courts.—Justice is secured by the same system of courts as in the townships and villages. The law establishes courts of the justices of the peace with defined jurisdiction in all respects similar to the same courts in the township. Matters beyond the jurisdiction of this court go to the circuit court held in the county in which the city is located. In the larger cities in addition to these courts the law provides for the organization of other local courts having jurisdiction only within the corporate limits of the city. In the city of Detroit, the police and recorder's courts are established by law and have jurisdiction in *criminal* cases occurring within the city, exactly corresponding to that of the township and circuit courts elsewhere. Some other cities separate *civil* action from the circuit court and bestow it upon a superior court created for that purpose.

102. The Schools.—The city constitutes a school district under an elective board of control, known as the board of education. They have the management of the school property, business interests and affairs of the district, the organization of schools, and the appointment of teachers. The authority of the board of education is the same general authority as that vested in the district board, but of necessity much enlarged in its application to the management of affairs in the complex system of city schools.

NOTE.—No general summary can be given, but the student should

make a special summary based upon the study of the charter of the city or of the village in which the school is located. See Township Summary, p. 58.

STUDY ON THE VILLAGE AND THE CITY.

1. Why should "request for incorporation" be submitted to popular vote?

2. Why should the trustees hold office for two years while other village officers hold office for one year only?

3. What right has the incorporate village which the township has not?

4. Compare village board with township board.

5. What things are common to township board, board of trustees, and common council?

6. Restricting the appointing power to the mayor puts the responsibility where?

7. What evils result from allowing the council to share the appointing power?

8. Why should showmen procure a license in your city?

9. Name the boards in your city. How are they constituted, and what are their powers?

10. What proposition in regard to cities was submitted to the people in 1895? How did your city vote upon it?

11. What advantage was the measure intended to secure? Why did it require the popular vote?

The County.

103. The County in Administration.—The county is both the oldest and the largest political division of the State. In Michigan, as in every other State, the division was created for the administration of justice. In the one hundred years since the county was formed (1796), there has been no change in this respect, and the county seat is still the seat of the circuit court, and the principal officers in the county are elected to serve the court.

In the development of the State the county has, however, acquired another administrative function. Townships and cities are grouped into counties the better to protect those interests growing out of community relations. For example, for the purposes of trade and exchange, communication must be made easy between townships and cities; it concerns all alike that suitable buildings be provided for the courts. The burden of providing the money for defraying all such expense must be distributed among the people in the townships and cities in due proportion. The borrowing of money, the raising of money by general tax, the care of public property, the equalizing of taxes among the towns, are matters entrusted by the State to county administration. The functions of the county are, therefore, both judicial and fiscal.

104. County Organization.—County organization had made considerable progress under the territorial government. The constitution provided for the organization of new counties, named the officers, and in a general way defined their duties. The legislature recognized a county as organized which had the necessary means and officers for performing the duties and carrying out the powers of a county as specified in the constitution. On this basis the counties already organized under the territorial government were recognized and their boundaries determined

by the State legislature. Others have been organized until the State (1895) embraces eighty-four counties. New counties can now be made only by subdivision of those already existing.[1]

The powers of government in the county, as determined by the constitution, are vested in a board of supervisors and officers chosen by the electors in the county. The board is a representative body composed of representatives from the townships and cities in the county. The supervisors are on the board to transact the business of the townships and cities in which they were chosen. But while they thus represent local interests, they also constitute the important governing body of the county. The townships and cities thus become organic parts of the county.

The county officers elected[2] fall into two classes—those which are administrative or executive, and those which have to do with the courts, or judicial.

The government of the county is secondary, being carried on wholly by persons elected for that purpose.[3]

105. The Board of Supervisors.—This board exercises all the law-making power which is vested in the county. It extends to all laws and regulations incident to carrying out the administration of fiscal affairs, but with little beyond that province. Strictly, it cannot be denominated a legislature; its peculiar work is to enforce law rather than make it.

The board is authorized to determine boundaries and organize new townships; to divide the county into representative districts; to regulate all public highway communications in regard to roads, bridges, dams and other obstructions in navigable streams; to purchase the site, construct and maintain all county buildings, such as the

[1] See *Art. X. Sect. 2.*

[2] The county officers are ele[illegible] ify for office in January following.

[3] See *Art. X. Se*[illegible]

court-house, jail, and poor-house; to borrow money; to raise, by general taxation, a sum sufficient to defray all the expenses of the county; to equalize the State and county assessments among the townships; to fix the salaries of all county officers not otherwise determined.

The board meets annually on the second Monday in October, at the county seat. It may meet in special session if the business demand it, but the length of sessions is controlled by statute.[1] The members of the board choose one of their own number for chairman.

106. The Treasurer is responsible for the county money. It is his duty to receive all moneys belonging to the county from whatever source they may be derived; and all money received by him for the use of the county must be paid out by him only on the order of the board of supervisors signed by the clerk, countersigned by their chairman, unless special provision is otherwise made. He receives from the supervisor the State tax from the township, and transmits it to the State treasurer. He keeps a full record of his business transactions, which is open to inspection by the board, and his accounts are audited by them. His salary is fixed by the board of supervisors.

107. The County Clerk is the record-maker and keeper of the county.

He is clerk of the circuit court. As such he must attend all sessions of the court and make a record of the proceedings, administer oaths, draw the jurors, issue notices, with other necessary duties.

He is clerk of the board of supervisors and keeps a record of their proceedings, with books and papers belonging to the board, distributes notices, laws, and regulations.

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[1] The members draw a salary of three dollars per day, for twelve days of a regular session, for six days of an adjourned session, and for three days of a special session, of which there can be but two in any year. They also receive 6-cents mileage for all necessary distance travelled in going and returning.

He is clerk of the board of county canvassers and keeps records of their proceedings, and sends a list of officers elected to the secretary of State. It is his duty to keep a record of all births, deaths, marriages, articles of incorporation, etc. He has a salary and fees fixed by law.

108. The Register of Deeds keeps an accurate record of papers concerning the ownership and transfer of property, as deeds and mortgages and all other papers required by law to be recorded. He receives fees.

109. The County Surveyor, an officer created by statute, makes such surveys as may be ordered by any court or applied for by any person. The system under which the survey is made is established by law, in order to secure uniformity throughout the State. He receives a salary of not less than four dollars per day.

110. The Notaries Public, officers appointed by the governor, administer oaths, affidavits, and acknowledgments. Women are eligible to this office. They receive fees, and serve a term of four years.

111. The Coroner investigates the causes of all sudden or suspicious deaths in the county. An inquest, or court of inquiry, is held, to which witnesses are summoned for examination. A verdict is rendered in accordance with the fact determined by the evidence of the witnesses. The coroners are paid by fees.

112. The Drain Commissioner does in the county what the corresponding officer does in the township. He is chosen by the board of supervisors, which also fixes his salary.

113. The Superintendents of the Poor have charge of county-houses and of the poor in the county not temporarily cared for by each township. They are chosen by the board of supervisors for a term of three years. The board also determines their salary.

4. The County School Commissioner.—To be eli- this office the person must be a graduate of some college or S ormal school, or hold a State

teacher's certificate. The commissioner is secretary of the board of school examiners. He conducts the examinations for teachers and issues certificates of qualification, which must be signed by one other member of the board. He visits each school in the county at least once in each year, to counsel with the teachers, to examine the condition of the schools and to suggest any needed reform and improvement. He is elected for a term of two years at the April election and qualifies for office the first day of July. When a vacancy occurs the chairmen of the township board of school inspectors in each town, meeting at the call of the county clerk and at his office, appoint a person to fill the vacancy. The office was created by statute. The salary, fixed by the board of supervisors, is not less than $500 nor more than $1500 per year.

Two School Examiners with the commissioner of schools constitute the board of school examiners. It is the duty of the board to hold two public examinations each year to examine persons offering themselves as teachers in the public schools. The regular examinations occur on the last Thursday of March and the third Thursday of August. Special public examinations, not to exceed four, may be held at such times and places as, in the judgment of the board, the interests of the schools require.

One examiner is appointed each year, for a term of two years, by the board of supervisors. The appointment is made at the meeting on the second Monday in October, and the examiner qualifies for office within ten days following. Should a vacancy occur in the office, the judge of probate and the remaining members of the board of school examiners of the county in which the vacancy occurs, appoint an examiner to fill the vacancy.

115. A Court of Probate is established in each county.[1] It is presided over by a probate judge and is deemed open at all times for the transaction of ordinary business. The

[1] See *Art. VI. Sect. 13.*

probate judge has power to take the probate of wills, to grant administration of estates of deceased persons, former residents of the county, to appoint guardians for minors and others in cases prescribed by law. He has jurisdiction in all matters relating to the settlement of estates, but this is not to be construed as depriving the circuit court in chancery of the concurrent jurisdiction conferred upon it by law. It is the duty of the probate judge to commit insane and indigent persons to an asylum.

116. The Circuit Court sits twice each year at the county seat of each county. This court holds jurisdiction over three classes of cases: those begun to determine the civil right in the matter, usually growing out of some misinterpretation or misunderstanding of the law, or a breach of contract; cases begun to determine the guilt or innocence of a person charged with crime; cases begun to determine the justice or equity in the matter in which the common law does not afford relief. Over those cases coming under the exclusive jurisdiction of the justice's court, the circuit court exercises appellate jurisdiction; over all other cases, either original or concurrent jurisdiction. If the trial is to determine the facts in the case it must be held before a jury,[1] and upon their verdict will depend

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[1] The jury is supposed to be composed of discreet, unprejudiced, intelligent men. Lists of the names of such men are sent to the clerk by the supervisors of the townships and cities. The jurors are selected by lot from each township impartially. The lot is drawn by the clerk in the presence of two other officers—sheriff and justice, or justices. At least fourteen days prior to the opening of court the names of twenty-four persons (some counties use more) are drawn who shall serve as jurors on cases to be brought for trial. The jury before which the case is tried is called the *petit jury*. In Michigan, the *grand*
dom used, though not denied, the preliminary examina
by the justice's court. Should a grand jury be ordered
names are drawn in the same way as for the petit jury
consists of not less than sixteen nor more than twenty-
is their business to determine whether there is evider

the decision of the court. In other cases the right of jury may be waived, though it is never denied.

117. The Circuit Judge and Commissioners.—THE CIRCUIT JUDGE elected in the judicial district is the presiding officer of the circuit court.[1] THE CIRCUIT COURT COMMISSIONER is elected in the county and is the assistant of the judge. He is qualified to perform all the duties and execute every act, power, and trust which the circuit judge may execute out of court.[2]

118. The Sheriff is the principal executive officer of the courts. It is his duty to serve or execute according to law all processes, writs, precepts and orders issued by lawful authority and directed to him. He has charge of the jails in the county and of the prisoners in the same. They are in his custody also, both in court and by the way, and he is responsible for their safety. He has charge of the jury, the members of which he summons according to forms of law. He is responsible for the peace and good order in the county and if necessary may call upon the citizens to assist in suppressing riot and disorder. He receives fees fixed by law.[3]

119. The Prosecuting Attorney is the advocate of the court. He is elected by the people, and in the name of the people he brings the action into court and pleads their cause in behalf of right and justice. The prosecuting attorney receives a salary, but no fees.

"The prosecuting attorneys shall, in their respective counties, appear for the State or county, and prosecute or

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probability of guilt. If so, they write upon the back of the indictment "A true bill," and the accused must go into court for trial. If the evidence is insufficient they write "Not a true bill," and no action is brought against the person.

[1] See ¶ 66, p. 47.

[2] See *Art. VI. Sect. 16.* In counties having 20,000 or more inhabitants, two commissioners are chosen.

[3] See *Art. X. Sect. 5.*

defend in all the courts of the county, all prosecutions, suits, applications and motions, whether civil or criminal, in which the State or county may be a party or interested."—*Statute.*

120. An Action in Court.—A crime is a violation of law. The State is the "author of all law." A crime is for this reason regarded as committed against the State. The State brings suit against the person charged with the crime. The State is the *plaintiff* and the accused called to defend himself against the suit is the *defendant.* The arrest and the preliminary examination are, in common practice, conducted by the justice of the peace.[1] The trial usually takes place in the circuit court at the county-seat of the county in which the crime was committed.

In a Criminal Suit the purpose of the trial is to determine the facts in the case, so that the decision of the judge must rest upon the verdict of the jury. In selecting the names from the jurors presented to the court each side may challenge any number *for cause*, the court always determining whether the cause be a sufficient reason for excusing the juror from serving in the case. In addition to the challenges for cause the defendant in the case of crime punishable with life imprisonment may have thirty peremptory challenges and the prosecuting attorney fifteen. For a case with less penalty the defendant is entitled to five and the attorney to four challenges.

After the jury has been impanelled and sworn to render a decision according to the evidence, the prosecuting attorney presents the case before the jury and submits the evidence by which he intends to support the charge. The attorney for the defendant then states his case and submits the evidence in defence of the accused. The witnesses

[1] See ¶ 78, p. 54. Any person having knowledge of a crime may make a sworn statement before the justice, naming the person whom he believes to be guilty of the crime, and the justice then issues a warrant to officer for the arrest of the person so named.

then give their testimony and are cross-examined by the attorney of the opposite side. When the evidence on both sides has been heard the attorneys again address the jury, seeking only to interpret the facts. The judge then "charges the jury," explaining the law applicable in the whole case, after which the jury retire to consult upon the verdict. Their verdict must be a unanimous opinion and either "Guilty" or "Not guilty." If guilty, the judge pronounces sentence according to law; if not guilty the prisoner goes free.

If the jury can come to no verdict the case is tried again before another jury. The party losing the case may, if permission be granted, take it to the higher court. The attorney must announce his determination to appeal immediately at the close of the trial. Sentence is sometimes, though not uniformly, suspended until the decision of the supreme court is reached.

Civil Suits are conducted in the same way as criminal suits except that there is no preliminary examination. The plaintiff files a petition with the clerk of the court stating the cause of the suit and naming the person charged with the offence. The clerk then issues the notice to the officer bidding the person complained of to appear in court and answer the charges. If the trial is to be before a jury, the jury is impanelled the same as in a criminal suit. The presentation of the case, the examination of witnesses and the arguments of the attorneys occur as in a criminal case. The verdict is rendered, "For the plaintiff" or "For the defendant." If either party is dissatisfied with the damages fixed by the court, he may take an appeal.

If the party against whom the judgment is rendered fails to pay, his property may be seized by order of the court and sold by the sheriff, to satisfy the judgment.

STUDY ON THE COUNTY.

Make a table-summary showing for officers and boards the following:

How Created.	Beginning.
How Chosen.	Salary.
Number.	Removal.
Term.	Vacancy Filled.

Note.—The treasurer, clerk, register, surveyor and sheriff all appoint deputies, who may fill the office temporarily if vacancy occur.

1. Find the root meaning of *probate, petit, grand, verdict, indictment.*
2. What are civil cases, criminal cases, chancery cases?
3. With what court and in what cases does the circuit court have concurrent jurisdiction?
4. Is a criminal obliged to defend himself in a suit?
5. What is the significance of pleading "Not guilty?"
6. Why should the right of jury not be denied?
7. What is meant by "taking an appeal?"

SUGGESTIVE QUESTIONS.

1. What is the history in the words *coroner, sheriff, chancery, county?*
2. What was the origin of the *jury?*
3. Impanel a jury.
4. Organize the class into court according to law and try a pupil for slander.
5. Debate: "Requiring a unanimous verdict defeats justice."
6. What is a writ of *venire?*
7. What is meant by change of *venue?* Under what conditions and by whom is it granted? Mention an instance.
8. Who are *talesmen?*
9. When may an accused person decline to answer questions?
10. May a prisoner under sentence be tried on a new charge?
11. Define *malfeasance, escheat, codicil.*

THE STATE NORMAL COLLEGE AT YPSILANTI.

CHAPTER IV.

HOW THE STATE EDUCATES HER CHILDREN.

"Popular education is essential to the preservation and perpetuity of a free State."—LYMAN ABBOTT.

121. An orderly plan for the development of the school system in Michigan has been worked out in detail. Each part exists in relation to all other parts, and the whole is under one general management.

The Superintendent of Public Instruction,[1] an officer elected by the people, has the general supervision of the schools. His powers in regard to the higher institutions as fixed by the legislature are advisory rather than mandatory. Supervision in these schools is exercised through the reports of visiting boards whom he appoints, as well as by personal visitation and examination. His work directly concerns primary education, and is effected through the examination of teachers, the county institute, the reading circle, and educational literature.

The County School Officers are responsible for the more direct supervision of the schools and for the securing of efficient teachers.[2]

The Township School Officers are authorized to make such division of the township into districts as shall make the schools available for all the children in the township.[3]

The District Officers are entrusted by [illegible] the business management of the schools in [illegible]

[1] See *Art. VIII. Sect. 1; Art. XIII. Sec*[illegible]

[2] See ¶ 114, page 69.

[4] See ¶ 87, page 56

122. The Schools are organized under the district system. A school district is a body corporate having powers for public purposes, exercised within a defined territory.[1] The extent of territory embraced within a district is not uniform, nine square miles being the limit. The law directs that within a city, however, the district shall not be limited to that extent. The district, in order to receive a share of the State support, must maintain a school at least three months each year.[1] By general statute the school year begins in September, at which time the annual school meeting occurs, although by special act the meeting may occur in July.

In the school meeting all citizens twenty-one years of age residing in the district and owning property are voters and eligible to office. Persons residing in the district, not owning property, but who are parents or legal guardians of children, may vote on all subjects except taxation. The meeting is called to choose persons to manage the affairs of the corporation.[2] The district meeting also has power to direct all unusual expenditure of money, such as purchasing sites, building houses, providing apparatus and libraries. The meeting also determines the length of time the school is to be actually taught and establishes the grade of the same. Other matters are left to the board. In the city schools the board usually appoints a superintendent whose business it is to regulate the internal affairs of the schools.

123. The School System.—The schools, like the organizations for government, form a single whole, more because they are established and controlled by the uniform State law than by any subordinate dependent relation existing

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[1] See *Art. XIII. Sects. 4, 5;* and ¶ 87, page 56.

[2] In the city school district the board of trustees consists of more than three members, who are elected for a term of years. They select one of their own number for president. Their powers are the same as those of the district board.

between them. Each, in its own place, works out its own results quite independently of the others. The system includes primary schools both graded and ungraded, the secondary or high schools, and the university with all its related groups.

An effort is being made to reduce the classes in the rural schools to some uniform grade, but the difficulties in the way of establishing such a system are enormous. In districts containing over one hundred school population the graded school is established.[1]

The Graded Primary School does not embrace more than eight grades, requiring for completion one year each. The instruction is confined to the studies fixed by law.[2]

The Secondary School completes the primary graded school and embraces four grades, covering four years. The secondary schools are maintained in the cities. The course of instruction in these high schools furnishes the means for acquiring a fair general education, and, in the more advanced schools, it meets the requirements for admission to the university and colleges.

The University, with its assemblage of colleges, crowns the system. Six of these colleges or departments, constituting what is popularly known as the university, are located at Ann Arbor.[3] Besides the department of literature and science, a professional education is offered by the university in medicine, law, pharmacy, and dental surgery. The university is controlled by an elected board of regents. It enjoys a permanent fund arising from the sale of its land grants, and from a tax of one-sixth of one

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[1] The public money is distributed according to the number of persons between the ages of five and twenty years.

[2] The statutory studies include arithmetic, grammar, civics, history of United States, geography, reading, orthoëpy, physiology with especial reference to the effect of stimulants, narcotics, and alcoholic drinks.

[3] See ¶ 34, page 25.

mill on all taxable property in the State, granted by the legislature.[1]

Three other institutions in the State—the agricultural college, the mining school, and the normal school[2]—hold the same relation in the school system as do the departments in the university. Although under separate management they form a part of the university idea.

The Agricultural College was established to teach science and its practical application to mechanics and to agriculture. When all the lands granted to this school become productive, its income will be abundant for all purposes. It is controlled by an appointed board.[3]

The Mining School, located in the upper peninsula, was established to make a practical application of science to mining and all its kindred subjects. The board having control is appointed, and the school is supported by appropriations.

The State Normal College aims to reduce teaching to a science and makes a practical application of the science in the professional training of teachers. The course embraces academic subjects with theoretical and practical pedagogy, and is sufficient to meet the needs of both the primary and the secondary schools. The college has a small permanent fund arising from its land grant, but is supported mainly by annual appropriations made by the legislature. It is under the management of an elected board.[4]

124. Special Schools are also maintained by the State for the education of children belonging to the vagrant, criminal, and unfortunate classes. These schools all connect some sort of manual training with the instruction in primary subjects, hoping thereby to render the pupils self-supporting citizens. The school for the blind emphasizes

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[1] See *Art. XIII. Sects. 6, 7, 8.*

[2] In 1895 the legislature made provision for establishing another normal school.

[3] See *Art. XIII. Sect. 11.*

[4] See *Art. XIII. Sect. 9.*

music as a means of education, but does not neglect the training in hand-work. These schools include the industrial schools for boys at Lansing and for girls at Adrian; the State public school for vagrant and homeless children at Coldwater; the school for the deaf at Flint and for the blind at Lansing.

No fewer than nine colleges, under charters held by religious denominations, confer degrees.

125. Funds for the Support of the Schools are derived from several sources. First is the primary school fund established by the constitution,[1] consisting of moneys derived from the sale of school lands, from escheats to the State, and from the sale of swamp lands donated by Congress. The interest on this fund, together with the surplus of specific taxes,[2] constitute what is known as the primary school interest fund. A third fund is created by statute, and consists of the one-mill tax on the taxable property in the township.[3] The fourth is the specific district tax levied in the district, and which makes the school free to all children of school age in the district.[4] The fines assessed for breaches of the penal law, as provided in the constitution, may be applied to school libraries.[5]

126. Qualifications of Teachers.—A person holding a certificate in force, granted by lawful authority, is legally qualified to teach in the public schools of the State. The certificates are granted by the board of school examiners[6] to persons successfully passing an examination. The ques-

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[1] See *Art. XIII. Sects. 2, 3.*

[2] *Art. XIV. Sect. I.* Also, Howell's *Annotated Statutes,* § 5394.

[3] See Howell's *Annotated Statutes,* § 5184.

[4] The rate bill has not been necessary since 1869.

In 1893 the primary school interest fund was .	$ 997,124.38
From the one-mill tax in the township	659,569.29
From the tax in the school district	3,929,435.80

[5] See *Art. XIII. Sect. 12.* The justices of the peace turn this money over to the county treasurer, and it is apportioned among the districts in the county.

[6] See ¶ 114, page 70.

tions are prepared and furnished to the county school commissioner by the superintendent of public instruction. The certificates are of three grades. The first grade is valid in the State, under certain conditions, for four years. The second is valid in the county, where it is granted for three years. The third grade licenses the holder to teach in the county for one year.

The normal college grants certificates good for five years and life diplomas. The university confers certificates upon those graduates who have taken the course in pedagogy. The State board of education grants certificates to persons passing the State examinations, and also to graduates of those colleges that have complied with certain prescribed conditions.

127. The Libraries.—The State offers means whereby every district or township and public school may secure a library. A good library is in itself a good school, and if well used must give the State an intelligent citizenship.

Libraries, museums, schools, teachers—all supported from the public treasury—give the State a high rank among great educational States.

STUDY ON EDUCATION.

1. Index the Constitution, showing all possible subjects under *Education.*
2. Give the history of the *school examiner* in the State.
3. What was the origin of school land?
4. How much land was given to the university?
5. Why were the school lands called "swamp" and "salt"?
6. How many parts to the *primary interest fund?*
7. How do school lands become productive?
8. How was the time of your school meeting established.
9. Is your school a "diploma" school? Advantage or disadvantage?
10. Make a table showing: All *school officers*—how created, how chosen, time of election, qualification, eligibility, salary, term, beginning of term, removal, vacancy filled, duties.

CHAPTER V.

HOW THE PEOPLE CHOOSE THEIR OFFICERS.

128. Majority and Minority.—In a free government the will of the majority is the will of the people. The majority always governs. In a strong, vigorous minority, however, lies the surety of good government. It is the business of the minority to become the majority, and it will become such whenever the majority fails in wise and successful administration. Each stands for strong principles, each has a long history, each has served the country. For either the majority or the minority to work effectively there must be organization.

129. Political Parties are organized through standing committees, appointed to leadership in political movements. The committee is a very necessary agency in organization, though like any body exercising undefined and unlimited power it may become a very dangerous one. Its influence will be injurious whenever the citizen in his place does not fulfil his duty of citizenship.

The State central committee, consisting of a chairman with two members from each congressional district, is named in the party State conventions. It is the business of the committee to fix the time and place for the next State convention and to apportion the delegates to it among the counties. Each county has a committee which names the time and place of the county convention, and each township and ward has a committee to look after the township and ward meetings. The business of the campaign—publishing documents, employing speakers, holding mass meetings—is conducted by the central com-

mittee. The effort of each committee is to secure party votes through public agitation.

130. The Nominations are made in the conventions in each political division. After the central committee has published the time of the State convention the movement begins with the people down among the primaries. The township and ward committees publish calls for party caucuses. In these primary meetings are nominated township and ward officers, and delegates are selected to attend the city, the district (when but a part of a county), and the county conventions, at the stated time when the committees call these conventions. The city convention nominates the city officers, and chooses delegates to the county convention. The county convention nominates the county officers and names delegates to the district and State conventions. The district conventions nominate the officers of the district—senators, congressmen, and judicial officers. The State convention, meeting at the appointed time, nominates the State officers, and before adjournment chooses the next central committee.

131. The Elections.—Michigan holds four elections: the general election on the Tuesday following the first Monday in November, at which time are elected the State executive officers, members of the State legislature and the representatives in Congress, the county officers, and every four years the presidential electors, and in some cities the city officers; the spring election on the first Monday in April, at which time are elected the judges of the supreme and circuit courts, the township and usually the city officers, and two regents of the university; the March election, in which village officers are usually elected; and the September election of school officers in the district.

132. The Ticket.—The names of all the candidates, in all the parties, for all the offices, appear on one ticket. The ticket is made up from lists furnished, not less than twenty days before election, by the committees of the dis-

OFFICIAL BALLOT.

Instructions.—First, mark or stamp a cross [X] in the square under the name of your party at the head, desire to vote a straight ticket, nothing further need be done. If you desire to vote for candidates on differen the name of the candidate on your ticket you do not want to vote for and make a cross in the square before the nam date you desire to vote for, or write his name in the space under the name erased. A ticket marked with a cross u name will be deemed a vote for each of the candidates named in such party column whose name is not erased. Befor booth, fold the ballot so that the initials may be seen on the outside.

NAME OF OFFICE VOTED FOR.	DEMOCRATIC. ☐	REPUBLICAN. ☐	PEOPLES'. ☐	PROHI ☐
STATE.				
JUSTICE OF SUPREME COURT	☐ G. H. DURAND.	☐ F. A. HOOKER.	☐ EDWARD S. GRECE.	☐ MYRON H.
REGENT OF THE UNIVERSITY	☐ H. A. HARMON.	☐ HERMAN KIEFER.	☐ MYRON O. GRAVES.	☐ ROB'T C. SAFF
REGENT OF THE UNIVERSITY	☐ ROB'T E. BUNKER.	☐ F. W. FLETCHER.	☐ BYRON S. ASHLEY.	☐ JOS. F. McCULLOCH.
JUDICIAL.				
JUDGE OF CIRCUIT COURT OF 22d CIRCUIT	☐ EDW. R. GILDAY.	☐ EDW. D. KINNE.	☐ EDW. D. KINNE.	☐ . . . . .
COUNTY.				
COMMISSIONER OF SCHOOLS .	☐ M. J. CAVANAUGH.	☐	☐ J. MORTON CALKINS.	☐ . . . . .

Proposed Amendment to the Constitution of this State, relative to Works of Internal Improvement, being Section 9 of Article 14.

☐ YES. ☐ NO.

Proposed Amendment to the Constitution of this State, relative to the Salaries of the several State Officers, being Section 1 of Article 9.

☐ YES. ☐ NO.

Proposed Amendment to the Constitution of this State, relative to Conferring Power on the Legislature to Enact Laws for the creation of County and Township Boards of Highway Commissioners, being Section 49 of Article 4.

☐ YES. ☐ NO.

Proposed Amendment to the Constitution of this State, relative to the Jurisdiction of Circuit Courts, by Extending the Powers of such Courts in certain cases as provided for in Joint Resolution No. 12, being an Amendment to Section 8 of Article 6.

☐ YES. ☐ NO.

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trict, county, or State; containing the names of persons nominated by regularly called conventions. All names must be certified to by the chairman and secretary of the respective committees. The State committees of the political parties prepare and adopt by engraving or otherwise a vignette to be printed at the top of the column assigned to such party, as a distinctive and characteristic heading thereto. The ticket is made up by the board of election commission.

133. The Board of Election Commission.—The board consists of the judge of probate, the county clerk, and the county treasurer. It is the duty of the board to prepare and distribute ballots for election of all officers for whom the electors are entitled to vote, and for all proposed amendments to the constitution or other question to be submitted to the electors of the State for popular vote.[1] A proof copy of the ballot is kept on file at the office of the clerk and open to inspection by the candidates named thereon and by the chairman of each committee furnishing the names. The board is required to correct such errors as are found by such inspection. The board of election commissioners prepares and delivers to a member of the board of election inspectors, in sealed packages, a sufficient number of ballots for the voting precincts.

134. The Board of Election Inspectors.—In cities the board is composed of the supervisor and two aldermen or one alderman and an assessor. In the townships the supervisor, the clerk, and the justice of the peace whose office soonest expires, constitute the board. It is their duty to open and close the polls. The time specified by law is seven o'clock in the morning and five o'clock in the

[1] When only township and municipal officers are to be elected, it is provided by law that the township board of each township and persons elected therefor by the common councils of the cities and villages constitute the boards of election commissioners. They have the same duties as the county boards.

evening. They conduct the election in strict conformity with prescribed law. They open the package of ballots, and one of the board writes his initials on the back of each one of the ballots in the upper left-hand corner. When the voting is done they canvass the votes and declare the election.

135. The Board of Registration.—In cities the board consists of two aldermen in each ward; in townships, of the supervisor, clerk, and treasurer. These boards meet at specified times to record the names of all qualified voters who present themselves for registration. The registration lists are delivered to the inspectors of election. The inspectors allow only those persons whose names are registered to vote.

136. Casting the Ballots.—That each voter may exercise his right fully and freely, elections are regulated by law. It is unlawful to furnish refreshments during an election; to contribute money, except for those things necessary, such as printing, advertising, or the conveyance of the sick or infirm to the polls; or to influence a voter by intimidation or bribery.[1]

The law requires the polling-place to be fitted up so as to afford the voter the largest possible freedom in the exercise of his right. The room is divided by a railing provided with the needed gates in charge of gate-keepers appointed by the board of election inspectors. Behind the railing are constructed booths to be used by the voter in preparing his vote. Within the railing are representatives of the political parties allowed by law as challengers of persons who for any reason are supposed not to be qualified voters. The voter on entering the polling-place receives a ballot from the inspector having the ballots in charge; he goes into a booth and marks the ballot strictly in conformity with the directions printed upon it.[2] Before

[1] See Howell's *Annotated Statutes*, Session of 1891, p. 156.

[2] See Ballot, p. 85.

leaving the booth he folds the ballot so that no part of the face is exposed and so that the inspector's initials are outside; on leaving the booth he delivers the ballot, in public view, to the inspector designated to receive it. The poll clerks enter the name of the voter, as announced by the inspector, upon their poll lists, after which the inspector deposits the vote in the ballot-box. At the close of the polls the clerks compare their lists in the presence of the inspectors. In case the same do not agree they are, under the direction of the board, corrected and made to correspond. The boxes are then opened and the votes canvassed and immediately publicly announced.

137. The Results.—The inspectors prepare a statement of the results of election in duplicate showing the whole number of votes for each office, the names of the persons receiving the votes, and the number each person received. Such statements duly signed and certified by the inspectors are delivered, one to the township clerk, who files it at his office, the other to the inspector appointed to attend the county canvass.[1] The several inspectors consitute the *board of county canvassers.* It is the duty of this board to examine the statements sent by the boards of inspectors. They determine the county officers elected, and also prepare statements showing the number of votes received by the candidates for election in the districts and the State. The statements are sent to the *board of district canvassers* and to the *board of State canvassers.* The district canvassers determine the officers elected in the districts, and the State canvassers determine the State officers elected. The secretaries of the several boards deliver to the officers-elect a "certificate of determination," and also publish the same in the newspapers.

The State board is required to meet to canvass the votes

[1] In municipal elections the results are sent to the common council, who canvass the votes and determine the election.

for presidential electors on Wednesday next after the third Monday in November; to canvass the votes for other officers on or before December 15; to canvass the votes on constitutional amendments on or before the twentieth of the month next after the election.

138. The Officer-Elect, by his election, is vested with civil authority, and when he has taken his oath of office prescribed by the constitution and statute, he is qualified to exercise his powers. He is elected by the people, he stands for the will of the majority—pledged faithfully to carry out that will in the discharge of his official duties. If he fail in wisdom and judgment or integrity, the responsibility is not his alone but rests also upon the citizen in the caucus and at the polls. With the citizen rests the selection of efficient officers to conduct the affairs of the State. He cannot escape the responsibility which his citizenship imposes upon him. The safety of any State is in the moral rectitude and intelligence of her citizens,—"It is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort rest" (BRYCE).

STUDY ON ELECTIONS.

1. Give the history in the word *caucus.*
2. What can one citizen do to secure good nominations?
3. Why are nominations necessary?
4. Why is it the duty of citizens to attend the caucus? May women attend the caucus?
5. How do people know who are elected long before the boards of canvassers meet?
6. Should a man change his r ?
7. Make a ticket for the r
8. What were the poli
9. What showed

10. What are the opportunities for political corruption under the present system of voting?

11. What were the party principles in 1860?

12. Name some of the Michigan party leaders.

13. What were the events which led up to the formation of the Republican party?

14. With what signification had the name *Republican* been used before?

15. What were the local interests which largely determined a man's party in 1893?

16. Give two instances where a minority became an overwhelming majority.

17. Make a table showing the election boards, their membership and their duties.

18. Under what governments may a citizen live?

19. Why is there no conflict between the different governments?

20. What are the political rights enjoyed in the ballot?

21. Is suffrage a natural right?

GENERAL SUMMARY.

139. Fundamental Principles.—The foregoing survey of our State makes apparent some fundamental principles of a free government.

FIRST. Back of constitution and law, to give them authority, and back of organization and government machinery, to make them efficient, is the will of the people. Voting at the polls for the election of officers is virtually consenting to the existing order of government, and any change therein is secured only through the ballot. A free government rests upon the consent of the people.

SECOND. The officers elected to administer the government in all its departments are held strictly responsible for all their official acts. They may be impeached, or they may be tried for malfeasance in the courts, and they are always judged by public opinion and must accept the

verdict of the people at the ballot-box. In a free government the governing body is accountable to the governed.

THIRD. The people share in self-government by means of the ballot. By representatives in Congress the State takes its place in the Federal Union and performs its function in the general government. Through their representatives the people govern themselves in the State. The same is true in all local governments, excepting the town-meeting, in which the people act directly. All other political rights and duties are inseparable from the right of suffrage.

140. State Authority.—The constitution, established by the people, is the general rule of action to which all specific law-making must conform. The State legislature, acting for the people, and vested with authority under the constitution, regulates the every-day affairs of the individuals as touching other persons; it establishes the conditions of incorporation for all bodies politic, whatever may be the object; it appropriates funds for the support of all penal, reformatory, benevolent, industrial, and educational institutions; it fixes a uniform rule of justice throughout the courts; it establishes a single administrative code for all officers and boards; it furnishes the constitutional statutes for all local legislative bodies; it secures to each voter those conditions most favorable to the free exercise of the electoral right.

The State government is especially strong in legislation. In execution it lacks independent means for enforcing its acts in local administration and must rely upon the law courts to correct any failure in this respect. But it must be remembered that the respect of [illegible] his State is too profound to allow this lack [illegible] to become a sensible defect in State gov[illegible]en stands in most intimate relation t[illegible]e looks for the safety of his interes[illegible] rights, and the perpetuity [illegible]

CONSTITUTION

OF THE

STATE OF MICHIGAN.

[RATIFIED BY THE PEOPLE IN NOVEMBER, 1850.]

THE PEOPLE OF THE STATE OF MICHIGAN DO ORDAIN THIS CONSTITUTION:

ARTICLE I.

BOUNDARIES.

THE State of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the State of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of the Maumee Bay, shall intersect the same—said point being the northwest corner of the State of Ohio, as established by act of Congress, entitled "An Act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, one thousand eight hundred and thirty-six; thence with the said boundary line of the State of Ohio till it intersects the boundary line between the United States and Canada in Lake Erie; thence with said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the said river Montreal to the head waters thereof; thence in a direct line to the centre of the channel between Middle and South Islands in the Lake of the Desert;

thence in a direct line to the southern shore of Lake Brulé; thence along said southern shore and down the river Brulé to the main channel of the Menominee river; thence down the centre of the main channel of the same to the centre of the most usual ship channel of the Green Bay of Lake Michigan; thence through the centre of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the State of Indiana, as that line was established by the act of Congress of the nineteenth of April, eighteen hundred and sixteen; thence due east with the north boundary line of the said State of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

ARTICLE II.

SEAT OF GOVERNMENT.

SECTION 1. The seat of government shall be at Lansing, where it is now established.

ARTICLE III.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: The Legislative, Executive and Judicial.

SEC. 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this Constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power is vested in a Senate and House of Representatives.

SEC. 2. The Senate shall consist of thirty-two members. Senators shall be elected for two years, and by single districts. Such districts shall be numbered from one to thirty-two, inclusive; each of which shall choose one Senator. No county shall be divided in the formation of Senate districts, except such county shall be equitably entitled to two or more Senators.

SEC. 3. The House of Representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years, and by single distri-

Representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a Representative district. When any township or city shall contain a population which entitles it to more than one Representative, then such township or city shall elect, by general ticket, the number of Representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate Representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one Representative, the Board of Supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into Representative districts, equal to the number of Representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such Representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.[1]

SEC. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall rearrange the Senate districts, and apportion anew the Representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe. Each apportionment, and the division into Representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.[1]

SEC. 5. Senators and Representatives shall be citizens of the United States, and qualified electors in the respective counties and districts which they represent. A removal from their respective counties or districts shall be deemed a vacation of their office.

SEC. 6. No person holding any office under the United States [or this State] or any county office, except notaries public, officers

[1] Amended as proposed by the Legislature of 1869; ratified and approved by the people at the general election of 1870.

of the militia, and officers elected by townships, shall be eligible to or have a seat in either house of the Legislature; and all votes given for any such person shall be void.

SEC. 7. Senators and Representatives shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest. They shall not be subject to any civil process during the session of the Legislature, or for fifteen days next before the commencement and after the termination of each session; they shall not be questioned in any other place for any speech in either house.

SEC. 8. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

SEC. 9. Each house shall choose its own officers, determine the rules of its proceedings, and judge of the qualifications, elections and returns of its members; and may, with the concurrence of two-thirds of all the members elected, expel a member. No member shall be expelled a second time for the same cause; nor for any cause known to his constituents antecedent to his election; the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house, on any question, shall be entered on the journal at the request of one-fifth of the members elected. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public and have the reason of his dissent entered on the journal.

SEC. 11. In all elections by either house or in joint convention the votes shall be given *viva voce*. All votes on nominations to the Senate shall be taken by yea[illegible] nd published with the journal of its proceedings.

SEC. 12. The doors of each [illegible], unless the public welfare require secrecy. [illegible] without the consent of the other, adjourn fo[illegible] or to any other place than where the Legi[illegible] ssion.

SEC. 13. Bills may origi[illegible] Legislature.

SEC. 14. Every b[illegible] d-

journment, passed by the Legislature shall be presented to the Governor before it becomes a law. If he approve, he shall sign it; but if not he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon their journal, and reconsider it. On such reconsideration if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each house respectively. If any bill be not returned by the Governor within ten days, Sundays excepted, after it has been presented to him, the same shall become a law in like manner as if he had signed it, unless the Legislature by their adjournment prevent its return, in which case it shall not become a law. The Governor may approve, sign, and file in the office of the Secretary of State, within five days after the adjournment of the Legislature, any act passed during the last five days of the session; and the same shall become a law.

SEC. 15. The compensation of the members of the Legislature shall be three dollars per day for actual attendance, and when absent on account of sickness, but the Legislature may allow extra compensation to the members from the territory of the Upper Peninsula, not exceeding two dollars per day during the session. When convened in extra session, their compensation shall be three dollars a day for the first twenty days and nothing thereafter; and they shall legislate on no other subjects than those expressly stated in the Governor's proclamation, or submitted to them by special message. They shall be entitled to ten cents and no more for every mile actually travelled, in going to and returning from the place of meeting, on the usually travelled route; and for stationery and newspapers, not exceeding five dollars for each member during any session. Each member shall be entitled to one copy of the laws, journals and documents of the Legislature of which he was a member; but shall not receive at the expense of the State, books, newspapers, or other perquisites of office, not expressly authorized by this Constitution.[1]

[1] Amended as proposed by the Legislature of 1859; ratified and approved by the people at the general election of 1860.

SEC. 16. The Legislature may provide by law for the payment of postage on all mailable matter received by its members and officers during the sessions of the Legislature, but not on any sent or mailed by them.

SEC. 17. The President of the Senate and the Speaker of the House of Representatives shall be entitled to the same per diem compensation and mileage as members of the Legislature and no more.

SEC. 18. No person elected a member of the Legislature shall receive any civil appointment within this State or to the Senate of the United States, from the Governor, the Governor and Senate, from the Legislature, or any other State authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment, shall be void. No member of the Legislature shall be interested directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the time for which he is elected nor for one year thereafter.

SEC. 19. Every bill and joint resolution shall be read three times in each house, before the final passage thereof. No bill or joint resolution shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills the vote shall be by yeas and nays, and entered on the journal.

SEC. 20. No law shall embrace more than one object, which shall be expressed in its title. No public act shall take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, unless the Legislature shall otherwise direct by a two-thirds vote of the members elected to each house.

SEC. 21. The Legislature shall not grant nor authorize a compensation to any public officer, agent or contractor, after service has been rendered or the contract entered into.

SEC. 22. The Legislature shall provide by law that the furn ing of fuel and stationery for the use of the State, the prin and binding the laws and journals, all blanks, paper and prin for the executive departments, and all other printing ordere the Legislature, shall be let by contract to the lowest bidde bidders, who shall give adequate and satisfactory security fo performance thereof. The Legislature shall prescribe by la

manner in which the State printing shall be executed, and the accounts rendered therefor; and shall prohibit all charges for constructive labor. They shall not rescind nor alter such contract, nor release the person or persons taking the same, or his or their sureties, from the performance of any of the conditions of the contract. No member of the Legislature, nor officer of the State, shall be interested directly or indirectly in any such contract.

SEC. 23. The Legislature shall not authorize, by private or special law, the sale or conveyance of any real estate belonging to any person; nor vacate nor alter any road laid out by commissioners of highways, or any street in any city or village, or in any recorded town plat.

SEC. 24. The Legislature may authorize the employment of a chaplain for the State Prison; but no money shall be appropriated for the payment of any religious services in either house of the Legislature.

SEC. 25. No law shall be revised, altered, or amended by reference to its title only; but the act revised, and the section or sections of the act altered or amended, shall be re-enacted and published at length.

SEC. 26. Divorces shall not be granted by the Legislature.

SEC. 27. The Legislature shall not authorize any lottery, nor permit the sale of lottery tickets.

SEC. 28. No new bill shall be introduced into either house of the Legislature after the first fifty days of the session shall have expired.[1]

SEC. 29. In case of a contested election, the person only shall receive from the State per diem compensation and mileage who is declared to be entitled to a seat by the house in which the contest takes place.

SEC. 30. No collector, holder nor disburser of public moneys, shall have a seat in the Legislature, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

SEC. 31. The Legislature shall not audit nor allow any private claim or account.

SEC. 32. The Legislature, on the day of final adjournment, shall adjourn at twelve o'clock noon.

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[1] Amended as proposed by the Legislature of 1859; ratified and approved by the people at the general election Nov., 1860.

SEC. 33. The Legislature shall meet at the seat of government on the first Wednesday in January, in the year one thousand eight hundred and sixty-one, and on the first Wednesday of January in every second year thereafter, and at no other place or time, unless as provided in the Constitution of the State, and shall adjourn without day at such time as the Legislature shall fix by concurrent resolution.[1]

SEC. 34. The election of Senators and Representatives, pursuant to the provisions of this Constitution, shall be held on the Tuesday succeeding the first Monday of November, in the year one thousand eight hundred and fifty-two, and on the Tuesday succeeding the first Monday in November of every second year thereafter.

SEC. 35. The Legislature shall not establish a State paper. Every newspaper in the State which shall publish all the general laws of any session within forty days of their passage shall be entitled to receive a sum not exceeding fifteen dollars therefor.

SEC. 36. The Legislature shall provide for the speedy publication of all the statute laws of a public nature, and of such judicial decisions as it may deem expedient. All laws and judicial decisions shall be free for publication by any person.

SEC. 37. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this Constitution.

SEC. 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the Boards of Supervisors of the several counties, such powers of a local, legislative and administrative character as they may deem proper.

SEC. 39. The Legislature shall pass no law to prevent any person from worshipping Almighty God according to the dictates of his own conscience, or to compel any person to attend, erect or support any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion.

SEC. 40. No money shall be appropriated or drawn from Treasury for the benefit of any religious sect or society, theo cal or religious seminary, nor shall property belonging to State be appropriated for any such purpose.

[1] Amended as proposed by the Legislature of 1859; ratified and a the people at the general election of 1860.

SEC. 41. The Legislature shall not diminish or enlarge the civil or political rights, privileges and capacities of any person on account of his opinion or belief concerning matters of religion.

SEC. 42. No law shall ever be passed to restrain or abridge the liberty of speech or of the press; but every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right.

SEC. 43. The Legislature shall pass no bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

SEC. 44. The privilege of the writ of *habeas corpus* remains and shall not be suspended by the Legislature, except in case of rebellion or invasion, the public safety require it.

SEC. 45. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 46. The Legislature may authorize a trial by a jury of a less number than twelve men.

SEC. 47.[1]

SEC. 48. The style of the laws shall be, "The people of the State of Michigan enact."

SEC. 49. The Legislature may provide for the laying out, construction and maintenance of county and township roads, and may provide that any road heretofore laid out shall be a county or township road. County roads may be maintained at the expense of the county and township roads at the expense of the township. County roads shall be under the control of a board of commissioners not to exceed five in number who shall be elected by the people, the number of said commissioners to be fixed by the board of supervisors of the county. For the construction and maintenance of county roads the commissioners may provide for an annual tax not exceeding two dollars upon each one thousand dollars of the assessment roll of the county for the preceding year. No county shall incur any indebtedness or issue any bonds for the construction or maintenance of county roads, except upon a vote of two-thirds of all the supervisors elected, and then to be approved by a majority vote at any general or special election;

[1] By amendment proposed by the Legislature of 1875, and approved by the people at the general election of 1876, Section 47, Article IV., was stricken out. It prohibited the license of the sale of intoxicating liquors.

nor shall any such indebtedness at any time exceed three per cent. of the valuation of the county upon the last preceding assessment roll. The Legislature may modify, change or repeal the powers and duties of the township commissioner of highways and overseer of highways. The Legislature may pass all necessary laws to carry this amendment into effect. *Provided,* That any act or acts passed by the Legislature to carry this amendment into effect shall provide for a county and township system, and the county system shall become operative only in such counties as shall adopt it by a majority vote of the electors of said county, after the said question has been submitted to them by a two-thirds vote of all the members-elect of the board of supervisors of such county, at a general or special election called for that purpose.[1]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power is vested in a Governor who shall hold his office for two years. A Lieutenant Governor shall be elected for the same term.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant Governor who has not been five years a citizen of the United States, and a resident of this State two years next preceding his election; nor shall any person be eligible to either office who has not attained the age of thirty years.

SEC. 3. The Governor and Lieutenant Governor shall be elected at the times and places of choosing the members of the Legislature. The person having the highest number of votes for Governor or Lieutenant Governor shall be elected. In case two or more persons shall have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint vote, choose one of such persons.

SEC. 4. The Governor shall be Commander-in-Chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrections, and to repel invasion.

SEC. 5. He shall transact all necessary business with the officers of government, and may require information, in writing, from the officers of the executive department, upon any subject relat[illegible] the duties of their respective offices.

[1] Amended as proposed by the Legislature of 1893; ratified [illegible] the people at the election in April, 1893.

SEC. 6. He shall take care that the laws be faithfully executed.

SEC. 7. He may convene the Legislature on extraordinary occasions.

SEC. 8. He shall give to the Legislature and at the close of his official term, to the next Legislature, information by message of the condition of the State, and recommend such measures to them as he shall deem expedient.

SEC. 9. He may convene the Legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

SEC. 10. He shall issue writs of election to fill such vacancies as occur in the Senate or House of Representatives.

SEC. 11. He may grant reprieves, commutations, and pardons after convictions for all offences except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law, relative to the manner of applying for pardons. Upon convictions for treason, he may suspend the execution of the sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, or commute the sentence, direct the execution of the same or grant a further reprieve. He shall communicate to the Legislature at each session information of each case of reprieve, commutation or pardon granted, and the reason therefor.

SEC. 12. In case of the impeachment of the Governor, his removal from office, death, inability, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, for the residue of the term or until the disability ceases. When the Governor shall be out of the State in time of war, at the head of a military force thereof, he shall continue Commander-in-chief of all the military force of the State.

SEC. 13. During a vacancy in the office of Governor, if the Lieutenant Governor die, resign or be impeached, displaced, be incapable of performing the duties of his office, or absent from the State, the president *pro tempore* of the Senate shall act as Governor until the vacancy be filled, or the disability cease.

SEC. 14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate. In committee of the whole he may debate all questions; and when there is an equal division, he shall give the casting vote.

SEC. 15. No member of Congress, nor any person holding office under the United States or this State, shall execute the office of Governor.

SEC. 16. No person elected Governor or Lieutenant Governor, shall be eligible to any office or appointment from the Legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

SEC. 17. The Lieutenant [Governor] and President of the Senate *pro tempore*, when performing the duties of Governor shall receive the same compensation as the Governor.

SEC. 18. All official acts of the Governor, his approval of the laws excepted, shall be authenticated by the great seal of the State, which shall be kept by the Secretary of State.

SEC. 19. All commissions issued to persons holding office under the provision of this Constitution, shall be in the name and by the authority of the people of the State of Michigan, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power is vested in one Supreme Court, in circuit courts, in probate courts, and in justices of the peace. Municipal courts of civil and criminal jurisdiction may be established by the Legislature in cities.

SEC. 2. For the term of six years and thereafter until the Legislature otherwise provide, the judges of the several circuit courts shall be Judges of the Supreme Court, four of whom shall constitute a quorum. A concurrence of three shall be necessary to a final decision. After six years the Legislature may provide by law for the organization of a Supreme Court, with the jurisdiction and powers prescribed in this Constitution, to consist of one Chief Justice and four Associate Justices, to be chosen by the electors of the State. Such Supreme Court, when so organized, shall not be changed or discontinued by the Legislature for ten years thereafter. The judges thereof shall be so classified that but one of them shall go out of office at the same time. The term of office shall be ten years.[1]

[1] Amended as proposed by the Legislature of 1889; ratified and approved by the people at the election in April, 1889.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts, and shall have power to issue writs of error, *habeas corpus*, *mandamus*, *quo warranto*, *procedendo*, and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

SEC. 4. Four terms of the Supreme Court shall be held annually, at such times and places as may be designated by law.

SEC. 5. The Supreme Court shall by general rules establish, modify, and amend the practice in such court and in the circuit courts, and simplify the same. The Legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

SEC. 6. The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one Circuit Judge, who shall hold his office for the term of six years, and until his successor is elected and qualified. The Legislature may provide for the election of more than one Circuit Judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated. And the circuit judge or judges of such circuits, in addition to the salary provided by this Constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the Boards of Supervisors of said counties. And the Board of Supervisors of each county in the Upper Peninsula is hereby authorized and empowered to give and pay to the circuit judge of the judicial circuit to which such county is attached, such additional salary or compensation as may from time to time be fixed and determined by such Board of Supervisors. This section, as amended, shall take effect from the time of its adoption.[1]

SEC. 7. The Legislature may alter the limits of circuits, or increase the number of the same. No alteration or increase shall have the effect to remove a judge from office. In every additional circuit established, the judge shall be elected by the electors of such circuit and his term of office shall continue, as provided in this Constitution for judges of the circuit court.

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[1] Amended as proposed by the Legislatures of 1881, 1883, 1887, and 1889; ratified and approved by the people at elections in April, 1881, Nov., 1884, Nov., 1887, and April, 1889.

SEC. 8. The circuit courts shall have original jurisdiction in all matters, civil and criminal, not excepted in this Constitution, and not prohibited by law; and appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. They shall also have power to issue writs of *habeas corpus*, *mandamus*, injunction, *quo warranto*, *certiorari* and other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the Supreme Court shall by rule prescribe.[1]

SEC. 9. Each of the judges of the circuit court shall receive a salary, payable quarterly. They shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter. All votes for any person elected such judge for any office other than judicial, given either by the Legislature or the people, shall be void.

SEC. 10. The Supreme Court may appoint a reporter of its decisions. The decisions of the Supreme Court shall be in writing, and signed by the judges concurring therein. Any judge dissenting therefrom, shall give the reasons for such dissent in writing, under his signature. All such opinions shall be filed in the office of the Clerk of the Supreme Court. The judges of the circuit court, within their respective jurisdictions, may fill vacancies in the office of county clerk and of prosecuting attorney; but no Judge of the Supreme Court, or circuit court, shall exercise any other power of appointment to public office.

SEC. 11. A circuit court shall be held at least twice in each year in every county organized for judicial purposes, and four times in each year in counties containing ten thousand inhabitants. Judges of the circuit court may hold courts for each other, and shall do so when required by law.

SEC. 12. The clerk of each county organized for judicial purposes shall be the clerk of the circuit court of such county. The Supreme Court shall have power to appoint a clerk for such Supreme Court.[2]

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[1] Amended as proposed by the Legislature of 1893; ratified and approved by the people at the election in April, 1893.

[2] Amended as proposed by the Legislature of 1881; ratified and approved by the people at the election in April, 1881.

SEC. 13. In each of the counties organized for judicial purposes there shall be a court of probate. The judge of such court shall be elected by the electors of the county in which he resides, and shall hold his office for four years, and until his successor is elected and qualified. The jurisdiction, powers, and duties of such court shall be prescribed by law.

SEC. 14. When a vacancy occurs in the office of Judge of the Supreme, circuit or probate court, it shall be filled by appointment of the Governor, which shall continue until a successor is elected and qualified. When elected, such successor shall hold his office the residue of the unexpired term.

SEC. 15. The Supreme Court, the circuit and probate courts of each county shall be courts of record, and shall each have a common seal.

SEC. 16. The Legislature may provide by law for the election of one or more persons in each organized county, who may be vested with judicial powers, not exceeding those of a judge of the circuit court at chambers.

SEC. 17. There shall be not exceeding four justices of the peace in each organized township. They shall be elected by the electors of the townships, and shall hold their offices for four years and until their successors are elected and qualified. At the first election in any township, they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold his office for the residue of the unexpired term. The Legislature may increase the number of justices in cities.

SEC. 18. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars, and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by the Legislature.

SEC. 19. Judges of the Supreme Court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

SEC. 20. The first election of judges of the circuit courts shall be held on the first Monday in April, one thousand eight hundred and fifty-one, and every sixth year thereafter. Whenever an additional circuit is created, provisions shall be made to ho'

sequent election of such additional judge at the regular elections herein provided.

SEC. 21. The first election of judges of the probate court shall be held on the Tuesday succeeding the first Monday in November, one thousand eight hundred and fifty-two, and every fourth year thereafter.

SEC. 22. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township, shall be placed without the same, they shall be deemed to have vacated their respective offices.

SEC. 23. The Legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

SEC. 24. Any suitor in any court of this State shall have the right to prosecute or defend his suit, either in his own proper person, or by an attorney or agent of his choice.

SEC. 25. In all prosecutions for libels the truth may be given in evidence to the jury; and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted. The jury shall have the right to determine the law and the fact.

SEC. 26. The person, houses, papers, and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things, shall issue without describing them, nor without probable cause, supported by oath or affirmation.

SEC. 27. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases, unless demanded by one of the parties in such manner as shall be prescribed by law.

SEC. 28. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and have the assistance of counsel for his defense.

SEC. 29. No person after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be

ficient sureties, except for murder and treason, when

ent or the presumption great.

SEC. 30. Treason against the State shall consist only in levying war against, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 31. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

SEC. 32. No person shall be compelled in any criminal case to be a witness against himself nor to be deprived of life, liberty or property, without due process of law.

SEC. 33. No person shall be imprisoned for debt arising out of or founded upon a contract express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. No person shall be imprisoned for a militia fine in time of peace.

SEC. 34. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

SEC. 35. The style of all process shall be: "In the name of the people of the State of Michigan."

ARTICLE VII.

ELECTIONS.

SECTION 1. In all elections, every male inhabitant of this State, being a citizen of the United States; every male inhabitant residing in this State on the twenty-fourth day of June, eighteen hundred and thirty-five; every male inhabitant residing in this State on the first day of January, eighteen hundred and fifty; every male inhabitant of foreign birth who, having resided in the State two years and six months prior to the eighth day of November, eighteen hundred and ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State six months and in the township or ward in which he offers to vote, twenty days next preceding such election: *Provided*, That in time of war, insurrection,

or rebellion, no qualified elector in the actual military service of the United States, or of this State, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides, and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside, or otherwise.[1]

SEC. 2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

SEC. 3. Every elector, in all cases, except treason, felony or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

SEC. 4. No elector shall be obliged to do military duty on the day of election, except in time of war or public danger; or attend court as a suitor or witness.

SEC. 5. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; or while kept at any almshouse or other asylum at public expense; nor while confined in any public prison, except that honorably discharged soldiers, sailors and marines, who have served in the military or naval forces of the United States, or of this State, and who reside in soldiers' homes established by the State, may acquire a residence where such home is located.[2]

SEC. 6. Laws may be passed to preserve the purity of elections, and guard against the abuse of the elective franchise.

SEC. 7. No soldier, seaman, nor marine, in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed in any military or naval place within the same.

SEC. 8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be dis-

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[1] Amended as proposed by the Legislatures of 1865, 1869, and 1893; ratified and approved by the people at the elections in 1866, 1870, and 1894.

[2] Amended as proposed by the Legislature of 1893; ratified and approved by the people at the election in November, 1894.

qualified from holding any office under the Constitution and laws of this State and shall not be permitted to vote at any election.

ARTICLE VIII.

STATE OFFICERS.

SECTION 1. There shall be elected at each general biennial election, a Secretary of State, a Superintendent of Public Instruction, State Treasurer, a Commissioner of the Land Office, an Auditor General, and an Attorney General for the term of two years. They shall keep their office at the seat of government and shall perform such duties as may be prescribed by law.

SEC. 2. Their term of office shall commence on the first day of January, one thousand eight hundred and fifty-three, and of every second year thereafter.

SEC. 3. Whenever a vacancy shall occur in any of the State offices, the Governor shall fill the same by appointment, by and with the advice and consent of the Senate, if in session.

SEC. 4. The Secretary of State, State Treasurer, and Commissioner of the State Land Office, shall constitute a Board of State Auditors to examine and adjust all claims against the State, not otherwise provided for by the general law. They shall constitute a Board of State Canvassers, to determine the result of all elections of Governor, Lieutenant Governor, and State officers, and of such other officers as shall by law be referred to them.

SEC. 5. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the Board of State Canvassers, the Legislature in joint convention shall choose one of said persons to fill such office. When the determination of the Board of State Canvassers is contested, the Legislature in joint convention shall decide which person is elected.

ARTICLE IX.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the State Treasurer shall receive an annual salary of one thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand dollars; the Secretary of State

shall receive an annual salary of eight hundred dollars; the Commissioner of the Land Office shall receive an annual salary of eight hundred dollars; the Attorney General shall receive an annual salary of two thousand five hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the Legislature to increase the salaries herein provided.[1]

ARTICLE X.

COUNTIES.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county, shall be in the name thereof.

SEC. 2. No organized county shall ever be reduced by the organization of new counties to less than sixteen townships, as surveyed by the United States, unless in pursuance of law, a majority of electors residing in each county to be affected thereby, shall so decide. The Legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors in a county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. In each organized county, there shall be a sheriff, a county clerk, a county treasurer, a register of deeds, and a prosecuting attorney, chosen by the electors thereof, once in two years, and as often as vacancies shall happen, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office, or disconnect the same.

SEC. 4. The sheriff, county clerk, county treasurer, judge of probate, and register of deeds, shall hold their offices at the county seat.

SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and in default of giving such security,

[1] Amended as proposed by the Legislatures of 1881, 1889, and 1891; ratified and adopted by the people at the elections in April, 1882, April, 1889, and April, 1891.

the office shall be deemed vacant. The county shall never be responsible for the acts

SEC. 7. A board of supervisors consisting of one from each organized township shall be established in each county, with such powers as shall be prescribed by law.

SEC. 8. Cities shall have such representation in the board of supervisors of the counties in which they may be situated, as the legislature may direct.

SEC. 9. No county-seat once established, shall be removed until the place to which it is proposed to be removed shall be designated by two thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 9. The board of supervisors of any county may borrow or raise by tax one thousand dollars, for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purposes in any one year unless authorized by a majority of the electors of such county voting thereon.

SEC. 10. The board of supervisors, or in the county of Wayne, the board of county auditors, shall have the exclusive power to prescribe and fix the compensation for all services rendered for, and to adjust all claims against their respective counties, and the sum so fixed or defined shall be subject to no appeal.

SEC. 11. The board of supervisors of each organized county may provide for laying out highways, constructing bridges and organizing townships, under such restrictions and limitations as shall be prescribed by law.

ARTICLE XI.

TOWNSHIPS.

SECTION 1. There shall be elected annually on the first Monday in April [illegible] supervisor, one township clerk, who shall [illegible] school inspector, one commissioner of highways, one [illegible] school inspector, one [illegible] commissioner of highways [illegible] inspector, whose powers and duties shall be prescribed by law.

SEC. 2. Each organized township shall be a body corporate,

with such powers and duties as shall be prescribed by law. All suits and proceedings by or against a township, shall be in the name thereof.

ARTICLE XII.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

SEC. 2. Every impeachment shall be tried by the Senate. When the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. When an impeachment is directed, the Senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office; but the party convicted shall be liable to punishment according to law.

SEC. 3. When an impeachment is directed, the House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the Legislature, when the Senate shall proceed to try the same.

SEC. 4. No judicial officer shall exercise his office after an impeachment is directed, until he is acquitted.

SEC. 5. The Governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted, or until after the election and qualification of a successor.

SEC. 6. For reasonable cause, which shall not be sufficient ground for the impeachment of a judge, the Governor shall remove him on a concurrent resolution of two-thirds of the members elected to each house of the Legislature, but the cause for which such removal is required shall be stated at length in such resolution.

SEC. 7. The Legislature shall provide by law for the removal of any officer elected by a county, township, or school district, in such manner and for such cause as to them shall seem just and proper.

SEC. 8. The Governor shall have power, and it shall be his duty, except at such time as the Legislature may be in session, to examine into the condition and administration of any public office, and the acts of any public officer, elective or appointed, to remove from office for gross neglect of duty, or for corrupt conduct in office, or any other misfeasance or malfeasance therein, either of the following State officers, to wit: The Attorney General, State Treasurer, Commissioner of the Land Office, Secretary of State, Auditor General, Superintendent of Public Instruction, or members of the State Board of Education, or any other officer of the State, except legislative and judicial, elective or appointed, and to appoint a successor for the remainder of their respective unexpired term of office, and report the cause of such removal to the Legislature, at its next session.[1]

ARTICLE XIII.

EDUCATION.

SECTION 1. The Superintendent of Public Instruction shall have the general supervision of public instruction, and his duties shall be prescribed by law.

SEC. 2. The proceeds from the sale of all lands that have been or hereafter may be granted by the United States to the State, for educational purposes, and the proceeds of all lands or other property given by individuals, or appropriated by the State for like purposes, shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant, or appropriation.

SEC. 3. All lands, the title of which shall fail from a defect of heirs, shall escheat to the State; and the interest on the clear proceeds from the sale thereof shall be appropriated exclusively to the support of primary schools.

SEC. 4. The Legislature shall, within five years from the adoption of this Constitution, provide for and establish a system of primary schools, whereby a school shall be kept without charge for tuition, at least three months in each year, in every school dis-

[1] Amended as proposed by the Legislature of 1861; ratified and approved by the people at the election in November, 1862.

trict in the State, and all instruction in said schools shall be conducted in the English language.

SEC. 5. A school shall be maintained in each school district at least three months in each year. Any school district neglecting to maintain such school, shall be deprived for the ensuing year of its proportion of the income of the Primary School Fund, and of all funds arising from taxes for the support of schools.

SEC. 6. There shall be elected in the year eighteen hundred and sixty-three, at the time of the election of a justice of the Supreme Court, eight Regents of the University, two of whom shall hold their office for two years, two for four years, two for six years and two for eight years. They shall enter upon the duties of their office on the first of January next succeeding their election. At every regular election of a Justice of the Supreme Court thereafter, there shall be elected two Regents, whose term of office shall be eight years. When a vacancy shall occur in the office of Regent, it shall be filled by appointment of the Governor. The Regents thus elected shall constitute the Board of Regents of the University of Michigan.[1]

SEC. 7. The Regents of the University, and their successors in office shall continue to constitute the body corporate known by the name and title of "The Regents of the University of Michigan."

SEC. 8. The Regents of the University shall, at their first annual meeting, or as soon thereafter as may be, elect a President of the University, who shall be *ex officio* a member of their Board, with the privilege of speaking, but not of voting. He shall preside at the meetings of the Regents, and be the principal executive officer of the University. The Board of Regents shall have the general supervision of the University, and the direction and control of all expenditures from the University Interest Fund.

SEC. 9. There shall be elected at the general election in the year one thousand eight hundred and fifty-two, three members of the State Board of Education, one for two years, one for four years and one for six years; and at each succeeding biennial election, there shall be elected one member of such Board, who shall hold his office for six years. The Superintendent of Public Instruction shall be *ex officio* a member and Secretary of such Board. The Board shall have the general supervision of the

[1] Amended as proposed by the Legislature of 1861; ratified and approved by the people at the election in November, 1862.

State Normal School, and their duties shall be prescribed by law.

SEC. 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind or insane, shall always be fostered and supported.

SEC. 11. The Legislature shall encourage the promotion of intellectual, scientific and agricultural improvement; and shall, as soon as practicable, provide for the establishment of an Agricultural School. The Legislature may appropriate the twenty-two sections of salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have been already sold, and any land which may hereafter be granted or appropriated for such purpose, for the support and maintenance of such school, and may make the same a branch of the University for instruction in agriculture and the natural sciences connected therewith, and place the same under the supervision of the Regents of the University.

SEC. 12. The Legislature shall also provide for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries, unless otherwise ordered by the township board of any township, or the board of education of any city: *Provided*, That in no case shall such fines be used for other than library or school purposes.[1]

ARTICLE XIV.

FINANCE AND TAXATION.

SECTION 1. All specific State taxes, except those received from the mining companies of the Upper Peninsula, shall be applied in paying the interest upon the Primary School, University and other educational funds, and the interest and principal of the State debt, in the order herein recited, until the extinguishment of the State debt, other than the amounts due to educational funds, when such specific taxes shall be added to, and constitute a part of the Primary School Interest Fund. The Legislature shall provide for an annual tax, sufficient with other resources, to pay the estimated

[1] Amended as proposed by the Legislature of 1879; ratified and approved by *the people* at the election in April, 1881.

expenses of the State government, the interest of the State debt, and such deficiency as may occur in the resources.

SEC. 2. The Legislature shall provide by law, a sinking fund of at least twenty thousand dollars a year, to commence in eighteen hundred and fifty-two, with compound interest at the rate of six per cent. per annum, and an annual increase of at least five per cent., to be applied solely to the payment and extinguishment of the principal of the State debt, other than the amounts due to educational funds, and shall be continued until the extinguishment thereof. The unfunded debt shall not be funded or redeemed at a value exceeding that established by law in one thousand eight hundred and forty-eight.

SEC. 3. The State may contract debts to meet deficits in revenue. Such debts shall not in the aggregate at any one time exceed fifty thousand dollars. The moneys so raised shall be applied to the purposes for which they were obtained, or to the payment of the debts so contracted.

SEC. 4. The State may contract debts to repel invasion, suppress insurrection, or defend the State in time of war. The money arising from the contracting of such debts shall be applied to the purposes for which it was raised, or to repay such debts.

SEC. 5. No money shall be paid out of the treasury except in pursuance of appropriations made by law.

SEC. 6. The credit of the State shall not be granted to, or in aid of any person, association or corporation.

SEC. 7. No scrip, certificate or other evidence of State indebtedness shall be issued, except for the redemption of stock previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 8. The State shall not subscribe to, or be interested in, the stock of any company, association or corporation.

SEC. 9. The State shall not be a party to, or interested in, any work of internal improvement, nor engaged in carrying on any such work, except in the expenditure of grants to the State, of land or other property: *Provided, however,* That the Legislature of the State, by appropriate legislation, may authorize the city of Grand Rapids to issue its bonds for the improvement of the navigation of Grand River.[1]

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[1] Amended as proposed by the Legislature of 1893; ratified and appr the people at the April election, 1893.

SEC. 10. The State may continue to collect all specific taxes accruing to the treasury under existing laws. The Legislature may provide for the collection of specific taxes, from banking, railroad, plank road and other corporations hereafter created.

SEC. 11. The Legislature shall provide an uniform rule of taxation, except on property paying specific taxes and taxes shall be levied on such property as shall be prescribed by law.

SEC. 12. All assessments hereafter authorized shall be on property at its cash value.

SEC. 13. The Legislature shall provide for an equalization by a State Board in the year one thousand eight hundred and fifty-one, and every fifth year thereafter, of assessments on all taxable property, except that paying specific taxes.

SEC. 14. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

ARTICLE XV.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All laws passed pursuant to this section may be amended, altered or repealed. But the Legislature may, by a vote of two-thirds of the members elected to each house, create a single bank, with branches.[1]

SEC. 2. No general banking law shall have effect until the same shall, after its passage, be submitted to a vote of the electors of the State at a general election, and be approved by a majority of the votes cast thereon at such election.[1]

SEC. 3. The officers and stockholders of every corporation or association for banking purposes, issuing bank notes or paper credits, to circulate as money, shall be individually liable for all debts contracted during the term of their being officers or stockholders of such corporation or association, equably and ratably to

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[1] Amended as proposed by the Legislature of 1861; ratified and approved by the people at the election of 1862.

the extent of their respective shares of stock in any such corporation or association.[1]

SEC. 4. For all banks organized under general laws, the Legislature shall provide for the registry of all bills or notes issued or put into circulation as money, and shall require security to the full amount of notes and bills so registered, in State or United States stocks, bearing interest, which shall be deposited with the State Treasurer for the redemption of such bills or notes, in specie.[2]

SEC. 5. In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

SEC. 6. The Legislature shall pass no law authorizing or sanctioning the suspension of specie payments by any person, association or corporation.

SEC. 7. The stockholders of all corporations and joint stock associations shall be individually liable for all labor performed for such corporation or association.

SEC. 8. The Legislature shall pass no law altering or amending any act of incorporation heretofore granted, without the assent of two-thirds of the members elected to each house; nor shall any such act be renewed or extended. This restriction shall not apply to municipal corporations.

SEC. 9. The property of no person shall be taken by any corporation for public use, without compensation being first made or secured, in such manner as may be prescribed by law.

SEC. 10. No corporation except for municipal purposes, or for the construction of railroads, plank roads and canals, shall be created for a longer time than thirty years; but the Legislature may provide by general laws applicable to any corporation, for one or more extensions of the term of such corporation while such term is running, not exceeding thirty years of each extension, on the consent of not less than a two-thirds majority of the capital of the corporation; and by like general laws for the corporate reorganization for a further period, not exceeding thirty years, of such corporation whose terms have expired by limitation, on the consent of not less than four-fifths of the capital: *Provided*, That

[1] Amended as proposed by the Legislature of 1859; ratified and approved by the people at the election of 1860.

[2] Amended as proposed by the Legislature of 1861; ratified and approved by the people at the election of 1862.

in cases of corporations where there is no capital stock, the Legislature may provide the manner in which such corporations may be reorganized.[1]

SEC. 11. The term "corporation," as used in the preceding sections of this article, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations, not possessed by individuals or partnerships. All corporations shall have the right to sue, and be subject to be sued in all courts, in like cases as natural persons.

SEC. 12. No corporation shall hold any real estate hereafter acquired, for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

SEC. 13. The Legislature shall provide for the incorporation and organization of cities and villages, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit.

SEC. 14. Judicial officers of cities and villages shall be elected, and all other officers shall be elected or appointed at such time and in such manner as the Legislature may direct.

SEC. 15. Private property shall not be taken for public improvements in cities and villages without the consent of the owner, unless the compensation therefor shall first be determined by a jury of freeholders, and actually paid or secured in the manner prescribed by law.

SEC. 16. Previous notice of any application for an alteration of the charter of any corporation shall be given in such manner as may be prescribed by law.

ARTICLE XVI.

EXEMPTIONS.

SECTION 1. The personal property of every resident of this State, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars, from sale on execution or other final process of any court, issued for the collection of any debt contracted after the adoption of this Constitution.

SEC. 2. Every homestead of not exceeding forty acres of land,

[1] Amended as proposed by the Legislature of 1889; ratified and approved by the people at the election, April, 1889.

and the dwelling house thereon, and the appurtenances to be selected by the owner thereof, and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village, or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon, and its appurtenances, owned and occupied by any resident of the State, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court, for any debt contracted after the adoption of this Constitution. Such exemption shall not extend to any mortgage thereon, lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts contracted after the adoption of this Constitution, in all cases during the minority of his children.

SEC. 4. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

SEC. 5. The real and personal estate of every female, acquired before marriage, and all property to which she may afterwards become entitled, by gift, grant, inheritance, or devise, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations or engagements of her husband; and may be devised or bequeathed by her as if she were unmarried.

ARTICLE XVII.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all such citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to carrying arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.[1]

[1] Amended as proposed by the Legislature, 1869; ratified and approved by the people at the election of 1870.

SEC. 2. The Legislature shall provide by law for organizing, equipping and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and be commissioned in such manner as may be provided by law.

ARTICLE XVIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of this State, and that I will faithfully discharge the duties of the office of —— according to the best of my ability." And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 2. When private property is taken for the use or benefit of the public, the necessity for using such property and the just compensation to be made therefor, except when to be made by the State, shall be ascertained by a jury of twelve freeholders, residing in the vicinity of such property, or by not less than three commissioners, appointed by a court of record, as shall be prescribed by law: *Provided*, The foregoing provisions shall in no case be construed to apply to the action of commissioners of highways in the official discharge of their duty as highway commissioners.[1]

SEC. 3. No mechanical trade shall hereafter be taught to convicts in the State Prison of this State, except the manufacture of those articles of which the chief supply for home consumption is imported from other States or countries.

SEC. 4. No navigable stream in the State shall be either bridged or dammed without authority from the board of supervisors of the proper county, under the provisions of law. No such law shall prejudice the right of individuals to the free navigation of such

[1] Amended as proposed by the Legislature of 1859; ratified and approved by the people at the election of 1860.

streams, or preclude the State from the further improvement of the navigation of such streams.

SEC. 5. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 6. The laws, public records, and the written, judicial and legislative proceedings of the State shall be conducted, promulgated, and preserved in the English language.

SEC. 7. Every person has the right to bear arms for the defence of himself and the State.

SEC. 8. The military shall in all cases, and at all times, be in strict subordination to the civil power.

SEC. 9. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SEC. 10. The people have the right peacefully to assemble together, to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 12. No lease or grant hereafter of agricultural land for a longer period than twelve years, reserving any rent or service of any kind shall be valid.

SEC. 13. Aliens who are, or who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property, as native born citizens.

SEC. 14. The property of no person shall be taken for public use without just compensation therefor. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damages to be sustained by the opening thereof, shall be first determined by a jury of freeholders; and such amount, together with the expenses of proceedings, shall be paid by the person or persons to be benefited.

SEC. 15. No general revision of the laws shall hereafter be made. When a reprint thereof becomes necessary, the Legislature in joint convention, shall appoint a suitable person to collect together such acts and parts of acts as are in force, and without

alteration, arrange them under appropriate heads and titles. The law so arranged shall be submitted to two commissioners, appointed by the Governor, for examination, and if certified by them to be a correct compilation of all general laws in force, shall be printed in such manner as shall be prescribed by law.

ARTICLE XIX.

UPPER PENINSULA.

SECTION 1. The counties of Mackinac, Chippewa, Delta, Marquette, Schoolcraft, Houghton, and Ontonagon, and the islands and territory thereunto attached, the islands of Lake Superior, Huron and Michigan, and in Green Bay and the Straits of Mackinac and the River Ste. Marie, shall constitute a separate judicial district, and be entitled to a district judge and district attorney.

SEC. 2. The district judge shall be elected by the electors of such district, and shall perform the same duties and possess the same powers as a circuit judge in his circuit, and shall hold his office for the same period.

SEC. 3. The district attorney shall be elected every two years by the electors of the district, shall perform the duties of prosecuting attorney throughout the entire district, and may issue warrants for the arrest of offenders in cases of felony, to be proceeded with as shall be prescribed by law.

SEC. 4. Such judicial district shall be entitled at all times to at least one Senator, and until entitled to more by its population, it shall have three members of the House of Representatives, to be apportioned among the several counties by the Legislature.

SEC. 5. The Legislature may provide for the payment of the district judge a salary not exceeding one thousand dollars a year, and of the district attorney not exceeding seven hundred dollars a year; and may allow extra compensation to the members of the Legislature from such territory, not exceeding two dollars a day during any session.

SEC. 6. The elections for all district or county officers, State Senators or Representatives, within the boundaries defined in this article, shall take place on the Tuesday succeeding the first Monday of November in the respective years in which they may be required; the county canvass shall be held on the first Monday

thereafter, and the district canvass on the third Monday of said November.[1]

SEC. 7. One-half of the taxes paid into the Treasury from mining corporations in the Upper Peninsula, paying an annual State tax of one per cent. shall be paid to the treasurers of the counties from which it is received, to be applied for township and county purposes, as provided by law. The Legislature shall have power, after the year one thousand eight hundred and fifty-five, to reduce the amount to be refunded.

SEC. 8. The Legislature may change the location of the State Prison from Jackson to the Upper Peninsula.

SEC. 9. The charters of the several mining corporations may be modified by the Legislature, in regard to the term limited for subscribing to stock, and in relation to the quantity of land which a corporation shall hold; but the capital shall not be increased, nor the time for the existence of charters extended. No such corporation shall be permitted to purchase or hold any real estate, except such as shall be necessary for the exercise of its corporate franchises.

ARTICLE XIX.—A.[2]

RAILROADS.

SECTION 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

SEC. 2. No railroad corporation shall consolidate its stock, property, or franchises, with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.

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[1] Amended as proposed by the Legislature of 18 [illegible] proved by the people at the election of 1862.

[2] Amended as proposed by the Legislature of [illegible] filed and approved by the people at the election of [illegible]

ARTICLE XX.

AMENDMENT AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon, and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the Legislature shall direct; and if a majority of electors qualified to vote for members of the Legislature, voting thereon, shall ratify and approve such amendment or amendments, the same shall become part of the Constitution.[1]

SEC. 2. At the general election to be held in the year one thousand eight hundred and sixty-six, and in each sixteenth year thereafter, and also at such other times as the Legislature may by law provide, the question of the general revision of the Constitution shall be submitted to the electors qualified to vote for members of the Legislature; and in case a majority of the electors so qualified, voting at such election, shall decide in favor of a convention for such purpose, the Legislature, at the next session, shall provide by law for the election of such delegates to such convention. All the amendments shall take effect at the commencement of the year after their adoption.[2]

SCHEDULE.

That no inconvenience may arise from the changes in the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared, that

SECTION 1. The common law and the statute laws now in force, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or are altered or repealed by the Legislature.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of individuals and bodies corporate, and of the State, and all charters of incorporation, shall continue; and all indictments

[1] Amended as proposed by the Legislature of 1875; ratified and approved by the people at the election of 1876.

[2] Amended as proposed by the Legislature of 1861; ratified and approved by the people at the election of 1862.

which shall have been [illegible] for any crime or offence [illegible] Constitution may be [illegible] place. The several courts [illegible] shall continue with the like [illegible] and in equity, as of this [illegible] until the organization of the [illegible] stitution.

SEC. 3. That all fines [illegible] ing to the State of Michigan [illegible] laws, shall accrue to the use of the state [illegible]

SEC. 4. That all recognizances [illegible] instruments entered into or executed [illegible] Constitution, to the people of the state [illegible] county, or township or any [illegible] may be entered into or executed [illegible] ple of the State of Michigan [illegible] before the complete organization [illegible] ment under this Constitution [illegible] rights and liabilities upon [illegible] prosecuted as provided [illegible] meanors and penal actions [illegible] cuted as though no change [illegible] vided by law.

SEC. 5. A Governor and [illegible] under the existing Constitution [illegible] ration of the term of [illegible]

SEC. 6. All officers [illegible] or appointment [illegible] less removed by [illegible] laws now in force [illegible]

SEC. 7. The [illegible] tives of the Legislature [illegible] one, shall [illegible] superseded by [illegible] Constitution.

SEC. 8. All [illegible] officers, unless [illegible] authority, [illegible] to hold their resp[illegible] the first day [illegible] in the year one thousand [illegible] and fifty-three [illegible] laws, now in force [illegible]

cation and duties of township officers shall continue in force until the Legislature shall, in conformity to the provisions of this Constitution, provide for the holding of elections to fill such offices, and prescribe the duties of such officers respectively.

SEC. 9. On the first day of January, in the year one thousand eight hundred and fifty-two, the terms of office of the Judges of the Supreme Court under existing laws, and of the Judges of the county courts and of the clerks of the Supreme Court shall expire on the said day.

SEC. 10. On the first day of January, in the year one thousand eight hundred and fifty-two the jurisdiction of all suits and proceedings then pending in the present Supreme Court, shall become vested in the Supreme Court established by this Constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings at law and equity, then pending in the circuit courts and county courts for the several counties, shall become vested in the circuit courts of the said counties and district court for the Upper Peninsula.

SEC. 11. The probate courts, the courts of justices of the peace, and the police court, authorized by an act entitled "An act to establish a police court in the city of Detroit," approved April second, one thousand eight hundred and fifty, shall continue to exercise the jurisdiction and powers now conferred upon them respectively, until otherwise provided by law.

SEC. 12. The office of State Printer shall be vested in the present incumbent until the expiration of the term for which he was elected under the law then in force; and all the provisions of the said law relating to his duties, rights, privileges, and compensation, shall remain unimpaired and inviolate until the expiration of his said term of office.

SEC. 13. It shall be the duty of the Legislature, at their first session, to adapt the present laws to the provisions of this Constitution, as far as may be.

SEC. 14. The Attorney General of the State is required to prepare and report to the Legislature, at the commencement of the next session, such changes and modifications in existing laws as may be deemed necessary to adapt the same to this Constitution, and as may be best calculated to carry into effect its provisions, and he shall receive no additional compensation therefor.

SEC. 15. Any territory attached to any county for judicial pur-

poses, if not otherwise represented, shall be considered as forming part of such county, so far as regards elections, for the purpose of representation.

SEC. 16. This Constitution shall be submitted to the people for their adoption or rejection, at the general election, to be held on the first Tuesday of November, one thousand eight hundred and fifty; and there shall also be submitted for adoption or rejection at the same time, the separate resolution in relation to the elective franchise; and it shall be the duty of the Secretary of State, and all other officers required to give or publish any notice in regard to the said general election, to give notice as provided by law in case of an election of Governor, that this Constitution has been duly submitted to the electors at said election. Every newspaper within this State publishing in the month of September next, this Constitution as submitted, shall receive as compensation therefor the sum of twenty-five dollars, to be paid as the Legislature shall direct.

SEC. 17. Any person entitled to vote for members of the Legislature by the Constitution and laws now in force, shall at the said election, be entitled to vote for the adoption or rejection of this Constitution, and for or against the resolution separately submitted, at the places and in the manner provided by law for the election of members of the Legislature.

SEC. 18. At the said general election, a ballot box shall be kept by the several boards of inspectors thereof, for receiving the votes cast for or against the adoption of this Constitution; and on the ballots shall be written or printed, or partly written and partly printed, the words, "Adoption of the Constitution—Yes," or "Adoption of the Constitution—No."

SEC. 19. The canvass of the votes cast for the adoption or rejection of this Constitution, and the provisions in relation to the elective franchise separately submitted, and the returns thereof, shall be made by the proper canvassing officers, in the same manner as now provided by law for the canvass and return of the votes cast at an election for Governor, as near as may be, and the return thereof shall be directed to the Secretary of State. On the sixteenth day of December next, or within five days thereafter, th[illegible]ral, State Treasurer and Secretary of State shall [illegible] and proceed, in presence of the Governor, to [illegible]rns of the said votes, and proclama-

tion shall thereupon be made by the Governor of the result thereof. It shall appear that a majority of the votes cast upon the question have thereon "A system of the Constitution—Yes," this Constitution shall be the supreme law of the State from and after the first day of January, one thousand eight hundred and fifty-one, except as is herein otherwise provided; but if a majority of the votes cast upon the question have thereon "A system of the Constitution—No," the same shall be null and void. And in case of the adoption of this Constitution, said officers shall immediately, or as soon thereafter as practicable, proceed to open the statements of votes returned from the several counties for Judges of the Supreme Court and State officers under the act entitled "An act to amend the Revised Statutes and to provide for the election of certain officers by the people, in pursuance of an amendment of the Constitution," approved February eighteenth, one thousand eight hundred and fifty, and shall ascertain, determine and certify the result of the election for said officers under said act, in the same manner, as near as may be, as is now provided by law in regard to the election of Representatives in Congress. And the several Judges and officers so ascertained to have been elected may be qualified and enter upon the duties of their respective offices on the first Monday of January next, or as soon thereafter as practicable.

SEC. 20. The salaries or compensation of all persons holding office under the present Constitution shall continue to be the same as now provided by law until superseded by their successors elected or appointed under this Constitution; and it shall not be lawful hereafter for the Legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed.

SEC. 21. The Legislature at its first session shall provide for the payment of all expenditures of the convention to revise the Constitution and of the publication of the same as is provided in this article.

SEC. 22. Every county except Mackinaw and Chippewa, entitled to a Representative in the Legislature, at the time of the adoption of this Constitution, shall continue to be so entitled under this Constitution; and the county of Saginaw, with the territory that may be attached, shall be entitled to one Representative; the county of Tuscola, and the territory that may be

attached, one Representative; the county of Sanilac, and the territory that may be attached, one Representative; the counties of Midland and Arenac, with the territory that may be attached, one Representative; the county of Montcalm, with the territory that may be attached thereto, one Representative; and the counties of Newaygo and Oceana, with the territory that may be attached thereto, one Representative. Each county having a ratio of representation and a fraction over equal to a moiety of said ratio, shall be entitled to two Representatives, and so on above that number, giving one additional member for each additional ratio.

SEC. 23. The cases pending and undisposed of in the late court of chancery at the time of the adoption of this Constitution shall continue to be heard and determined by the Judges of the Supreme Court. But the Legislature shall, at its session in one thousand eight hundred and fifty-one, provide by law for the transfer of said causes that may remain undisposed of on the first day of January, one thousand eight hundred and fifty-two, to the Supreme or circuit court established by this Constitution, or require that the same may be heard and determined by the circuit judges.

SEC. 24. The term of office of the Governor and Lieutenant Governor shall commence on the first day of January next after their election.

SEC. 25. The territory described in the article entitled "Upper Peninsula," shall be attached to and constitute a part of the third circuit for the election of a Regent of the University.

SEC. 26. The Legislature shall have authority, after the expiration of the term of office of the district judge first elected for the "Upper Peninsula," to abolish said office of district judge and district attorney, or either of them.

SEC. 27. The Legislature shall, at its session of one thousand eight hundred and fifty-one, apportion the Representatives among the several counties and districts, and divide the State into Senate districts, pursuant to the provisions of this Constitution.

SEC. 28. The terms of office of all State and county officers, of the circuit judges, members of the Board of Education, and members of the Legislature, shall begin on the first day of January next succeeding their election.

SEC. 29. The State, exclusive of the Upper Peninsula, shall be

divided into eight judicial circuits, and the counties of Monroe, Lenawee and Hillsdale shall constitute the first circuit; the counties of Branch, St. Joseph, Cass and Berrien shall constitute the second circuit; the county of Wayne shall constitute the third circuit; the counties of Washtenaw, Jackson and Ingham shall constitute the fourth circuit; the counties of Calhoun, Kalamazoo, Allegan, Eaton and Van Buren shall constitute the fifth circuit; the counties of St. Clair, Macomb, Oakland, and Sanilac shall constitute the sixth circuit; the counties of Lapeer, Genesee, Saginaw, Shiawassee, Livingston, Tuscola and Midland shall constitute the seventh circuit; and the counties of Barry, Kent, Ottawa, Ionia, Clinton and Montcalm shall constitute the eighth circuit.

Done in convention at the Capitol of the State, this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty, and of the Independence of the United States the seventy-fifth.

D. GOODWIN, *President.*

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APPENDIX.

THE ORDINANCE OF 1787.

An Ordinance for the government of the Territory of the United States, north-west of the river Ohio.[1]

It is hereby ordained and declared, by the authority of the United States, in Congress assembled, that the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable unless by common consent, to wit:

ARTICLE I. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said Territory.

ARTICLE II. The inhabitants of the said Territory shall always be entitled to the benefit of the writ of *habeas corpus,* and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of common law; all persons shall be bailable unless for capital offences, where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishment shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be
same; and in the just preservation of rights an
understood and declared, that no law ought ev
have force in the said Territory, that shall in
ever, interfere with, or affect private contr
bona fide and without fraud previously

[1] The opening sections, devoted to
ment, are not quoted here.

ARTICLE III. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be preserved towards the Indians; their lands and property shall never be taken from them without their consent; and in their property rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.

ARTICLE IV. The said Territory and the States which may be formed therein shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alteration therein, as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of the government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States, in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States, in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said Territory as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ARTICLE V. There shall be formed in the said Territory, not less than three, nor more than five States; and the boundaries of the States as soon as Virginia shall alter her act of cession and

consent to the same, shall become fixed and established as follows, to wit: The western State in the said Territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn, from the Wabash and Port Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash from Port Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan: and whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatsoever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so formed shall be republican, and in conformity to the principle contained in these articles; and so far as it can be consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ARTICLE VI. There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: *Provided*, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service aforesaid.

PROMINENT EVENTS IN THE HISTORY OF THE STATE OF MICHIGAN.

1668. Settlement at Sault Ste. Marie.
1701. Settlement at Detroit.
1760. British gained possession of Michigan.
1763. Treaty of Paris.
1763–65. Pontiac's conspiracy.
1787. The Ordinance for the government of the North-west Territory.
1796. Americans take possession of Detroit.
1802. The township of Detroit organized.
1805. The Territory of Michigan organized.
1809. The first School District laid out and the first Printing-press established.
1811. Tecumseh's conspiracy.
1812. Detroit surrendered to the British.
1817. The first Newspaper in Detroit.
1817. An Act to establish the University of Michigan.
1818. Sale of Public Lands began. The first Steamer on Lake Erie.
1825. Counties divided into Townships.
1826. Two Townships had been granted to the University.
1835. The first State Constitution adopted.
1835–37. Toledo War.
1837. Michigan admitted to the Union. Great panic.
The University of Michigan founded.
1847. Capital removed to Lansing.
1849. Normal School founded.
1850. New Constitution adopted.
1854. School for the Deaf and Dumb founded.
1855. Industrial School for Boys organized.
Agricultural College founded.
1874. State Public School founded.
1879. School for the Blind established at Lansing.
1881. Industrial School for Girls founded.
1885. Mining School founded.
Soldiers' Home organized.

[The references are to paragraghs.]

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